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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**THE RELATIONSHIP BETWEEN CRIMINAL AND
TERRORIST ORGANIZATIONS AND HUMAN
SMUGGLING**

by

Joseph A. Lanzante

December 2009

Thesis Co-Advisors:

Nadav Morag
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**THE RELATIONSHIP BETWEEN CRIMINAL AND TERRORIST
ORGANIZATIONS AND HUMAN SMUGGLING**

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Submitted in partial fulfillment of the
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The analysis of the scholarly literature, interview data, and case studies point to a relationship between criminal and terrorist organizations and the fact that they have worked together to smuggle terrorists into the U.S. Additionally, corruption efforts by these organizations places a weak link in U.S. border security that can be exploited for nefarious purposes. Enhanced information sharing between law enforcement entities may be the single best way to detect the relationship between criminal and terrorist organizations and prevent them from smuggling a terrorist operative into the U.S.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	ARGUMENT.....	3
B.	METHODOLOGY	8
II.	LITERATURE REVIEW	11
A.	HUMAN SMUGGLING.....	11
B.	CRIMINAL ORGANIZATIONS.....	13
C.	TERRORISM.....	16
D.	INFORMATION SHARING	17
E.	SUMMARY	21
III.	INSIGHT FROM SENIOR HOMELAND SECURITY AND SENIOR LAW ENFORCEMENT OFFICIALS	25
A.	METHOD OF ENTRY TO THE U.S.	26
1.	Illegal Entry	27
2.	Legal Entry	28
3.	Fraudulent Documents	29
4.	Small Boat.....	29
5.	Hispanic Appearance.....	29
6.	Asylum	30
7.	Corruption	31
8.	Small Airplane.....	32
9.	Tunnels.....	32
B.	HUMAN SMUGGLING.....	32
C.	CRIMINAL ORGANIZATIONS.....	39
D.	TERRORIST ORGANIZATIONS.....	41
E.	INFORMATION SHARING	47
1.	Relationships	47
2.	Task Force and Working Groups.....	48
3.	Sharing Information	49
4.	Reluctance to Share Information	50
F.	SUMMARY	51
IV.	HUMAN SMUGGLING FACILITATED BY CRIMINAL AND TERRORIST ORGANIZATIONS.....	61
A.	MAHMOUD YOUSSEF KOURANI	61
B.	SALIM BOUGHADER MUCHARRAFILLE	62
C.	SUMMARY	64
V.	THE IRISH REPUBLICAN ARMY’S MOVEMENT BETWEEN CRIMINALITY AND TERRORISM.....	65
A.	EVENTS THAT GAVE BIRTH TO THE IRA	65
B.	IRA TERRORISM AND VIOLENCE.....	65
C.	IRA CRIMINAL ACTIVITY	67

D.	SUMMARY	69
VI.	THE NEXUS BETWEEN CRIMINAL AND TERRORIST ORGANIZATIONS AND HUMAN SMUGGLING.....	71
VII.	HOW TO DISRUPT CRIMINAL AND TERRORIST ORGANIZATIONS FROM HUMAN SMUGGLING	77
VIII.	CONCLUSION	79
A.	STRENGTHS AND LIMITATIONS.....	82
B.	AREAS FOR FUTURE STUDY	84
	LIST OF REFERENCES.....	87
	INITIAL DISTRIBUTION LIST	99

LIST OF FIGURES

Figure 1.	Number of Years in Service.....	25
Figure 2.	Method of Entry to U.S.....	27
Figure 3.	Reason for Corruption.....	37
Figure 4.	Relationship between Criminal and Terrorist Organization	52
Figure 5.	Evidence of a Relationship between Criminals and Terrorists	54
Figure 6.	Possibility of Criminal and Terrorist Organization Working Together versus Evidence of a Relationship between Criminal and Terrorist Organizations	56

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LIST OF ABBREVIATIONS AND ACRONYMS

CBP	Customs and Border Protection
CIA	Central Intelligence Agency
DEA	Drug Enforcement Agency
DHS	Department of Homeland Security
DTO	Drug Trafficking Organizations
FBI	Federal Bureau of Investigation
GAO	Government Accountability Office
HIDTA	High Intensity Drug Trafficking Area
ICE	Immigration and Customs Enforcement
IRA	Irish Republican Army
ISE	Information Sharing Environment
JTTF	Joint Terrorism Task Force
LAPD	Los Angeles Police Department
LTTE	Liberation Tigers of Tamil Eelam
M-18	18 th Street Gang
MOU	Memorandum of Understanding
MS-13	Mara Salvatrucha 13
NCTC	Nation Counterterrorism Center
NSEERS	National Security Entry-Exit Registration System
NSIS	National Strategy for Information Sharing
OTM	Other Than Mexican
PIIO	Persons of Interest of Islamic Origin
TBA	Tri-Border Area
US-VISIT	United States Visitor and Immigrant Status Indicator Technology
WOLA	Washington Office on Latin America

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I. INTRODUCTION

The purpose of this thesis is to expand on the rather limited literature that has been written on the possibility, and impact, of a relationship forming between criminal and terrorist organizations in terms of human smuggling. There is a significant amount of literature that has been written to address the individual topics of criminal organizations, terrorist organizations, and human smuggling. However, there has been little effort at addressing these areas collectively and in a scholarly manner.

Frequently, human smuggling organizations will attempt to bribe or corrupt border officials into turning a blind-eye to carloads or even busloads of illegal aliens crossing the border (Kahn, 2006; Former Border Patrol Agent, 2008). Furthermore, there are numerous recent instances where border officials and those assigned to assist border officials have allowed vehicles to enter the U.S. that contained illegal aliens and narcotics (Seper, 2007; Border Officer, 2008; Archibold & Becker, 2008). There is little current scholarly literature that addresses new corruption efforts by criminal organizations or gangs to influence border agents, which leaves room for expansion on this topic.

The scholarly literature is clear that criminal gangs like MS-13 and M-18 are working with criminal organizations whose primary business is human smuggling (Franco, 2008; Ribando, 2008, p. 4). It has been speculated that these criminal gangs could hire themselves out to smuggle terrorists into the U.S., but the scholarly literature is lacking in this area and warrants further study.

Individually, the criminal organizations, criminal gangs, and terrorist affiliated groups are already established south of the U.S./Mexico border. Furthermore, it has been well documented that South America is a haven for numerous terrorist organizations who are continually recruiting and training non Mexican members (Berry et al., 2003). The threat of organized criminal organizations (e.g., Russian mafia or Mexican drug cartels), criminal gangs (e.g., MS-13 or M-18), human smuggling networks, and terrorist organizations (e.g., al-Qaeda, Taliban, or Hezbollah) joining forces has yet to be widely recognized; however, there is a potential national security threat should this relationship come to fruition.

These entities could form a strategic alliance and leverage existing narcotics, weapons, and human smuggling corridors that exist south of the U.S./Mexico border to smuggle terrorist operatives into the U.S., thereby threatening U.S. interests and national security. For example, Shelley and Picarelli (2005) point to evidence that the Tamil Tigers have smuggled Sri Lankans in return for funds to support their terror operations. There is also evidence that the Lebanese, to include Hezbollah sympathizers, have been smuggled into the U.S. via Tijuana Mexico (Arillaga & Rodriguez, 2005). Once in the U.S., the Lebanese frequently engage in fundraising to further support Hezbollah and continue smuggling Lebanese migrants into the U.S.

Because human smuggling is a billion dollar industry (Stana, 2005), the potential for these relationships to be formed, or for that matter may already be formed, between criminal and terrorist organizations will likely be financially driven with little regard for the potentially disastrous outcome for the U.S. The relationship between criminal gangs and criminal organizations engaged in human smuggling, and terrorist groups, need not be long-term or ideologically-based.

Enhanced information sharing between law enforcement entities could prevent terrorists from being smuggled into the U.S. It is imperative that terrorist related information collected by the local police or sheriff be shared with federal partners and vice versa. By infiltrating or disrupting one or more of these entities (i.e., organized criminal organizations, criminal gangs, and terrorist organizations) through enhanced information sharing efforts, law enforcement may prevent the next terrorist from being smuggled into the U.S., thereby averting disastrous consequences.

This thesis will incorporate scholarly literature, data obtained from interviewing senior homeland security and senior law enforcement officials with operational experience, and data obtained from case studies to determine how organized criminal organizations and terrorist organizations might form a partnership for purposes of human smuggling, thereby impacting national security. Specifically, this thesis will seek to answer whether or not there is a relationship between criminal and terrorist organizations in terms of them cooperating to smuggle a terrorist operative across the U.S.-Mexico border? If not, is there a possibility of a relationship between these two entities? Lastly,

how can homeland security and law enforcement improve the information sharing process to prevent a criminal and terrorist organization from smuggling a terrorist operative across the U.S.-Mexico border?

Policymakers will benefit from this thesis by making policy decisions on how best to prevent terrorists from being smuggled into the U.S. Furthermore, the Department of Homeland Security, Department of Justice, and state and local officials along the southern border will benefit from this thesis because they may conduct enhanced queries on the people they apprehend relative to their personal relationships and possible nefarious affiliations. By conducting this research and establishing a relationship between these entities (i.e., organized criminal organizations and terrorist organizations), law enforcement personnel may utilize different tactics when they question a gang member they encounter, a criminal organization they survey or disrupt, and a terrorist organization they infiltrate.

A. ARGUMENT

The U.S. Federal law enforcement community considers the criminal gangs in Central America and Mexico as transnational criminal organizations and acknowledges that these gangs are involved in crimes such as human smuggling (United States, 2007). Chris Swecker, Assistant Director, Criminal Investigation Division, Federal Bureau of Investigation stated that, “today gangs are more violent, more organized, and more widespread than ever before. They pose one of the greatest threats to the safety and security of all Americans” (United States, 2005a). According to the national gang threat assessment, criminal gangs commit as much as 80 percent of the crime in many communities, which includes alien smuggling (National Gang Intelligence Center, 2009).

According to Kane (2006), MS-13 is flexible and mobile making them a formidable opponent, as well as a transnational threat. In fact, the U.S. Border Patrol has had a standing requirement since 2004 to collect intelligence on MS-13 (Kane, 2006). However, given that the intelligence collection culture is historically secret this information is shared sparingly between federal agencies and less so with state and local entities (Isaacson & O’Connell, 2002; Zegart, 2007). The end result is that law

enforcement has a restricted view of the available information resulting in fewer opportunities to identify criminal gangs who are involved in human smuggling. If we have as a goal to prevent terrorist attacks against our country and its interests, then we have to have timely, accurate, and free flowing information between all entities charged with achieving this goal (United States, 2008a). According to Gardner, Killebrew, and Cope (2009), data sharing among federal, state, and local agencies is critical to defeating international gangs.

The growth of criminal gangs, and the introduction of state-supported Islamic terrorism into the Western Hemisphere, foreshadows the practically inevitable fusion of criminal gangs and terrorists within the borders of the United States. Countering the threat will require fusion on our part, as well—close coordination among military, national intelligence, and law enforcement organizations at all levels. (p. 73)

There is information available from the National Gang Intelligence Center (2009) that indicates U.S. based gang members cross the U.S.-Mexico border for the express purpose of smuggling drugs and aliens from Mexico into the U.S. Furthermore, Customs and Border Protection (CBP) has confirmed that MS-13 has been smuggling drugs and illegal aliens across the U.S. southern border (Kane, 2006). This is supported by Johnson and Muhlhausen (2005) who report that gangs like MS-13 are experts at gaining illegal entry into the U.S. According to the Border Patrol Field Intelligence Center, “reporting suggests that MS-13 is aligned with drug trafficking organizations in Mexico and Columbia, moving drugs through Central America” (Kane, 2006). While MS-13 may be aligned with drug trafficking organizations, Chris Swecker, Assistant Director, Criminal Investigation Division, Federal Bureau of Investigation, believes that “it is unlikely that al-Qaeda and MS-13 would form an *overt* partnership for both security and ideological reasons” (United States, 2005a). However, a *covert* partnership may not be out of the question.

The Washington Office on Latin America [WOLA] (2008) states that criminal gangs in Central and South America are plentiful and play a central role in the extreme violence. The violence exhibited by these criminal gangs, primarily MS-13, has earned

them the ability to align with organized criminal organizations to protect human smuggling routes into the U.S. and as a way to generate revenue (Franco, 2008).

The violent transnational gangs of Latin America, including the Mexican cartels, operate with little regard for national borders. Since national sovereignty stops at the border, countering their activities will require, among other things, near-seamless integration of foreign and domestic intelligence programs operated by a wide variety of allied states with American Federal, state, and local agencies. (Gardner, Killebrew, & Cope, 2009, p. 69)

These gangs are similar to al-Qaeda in that they use violence and intimidation, are transnational, and thrive in areas where the state is weak or nonexistent (Wilson & Sullivan, 2007). One example of gangs exerting influence over the state is in Taiwan where the justice minister stated that 4–10 percent of elected officials in the legislature and National Assembly had gang affiliations (Shelley, 1999).

As the U.S. continues to tighten security at the U.S.-Mexico land border, terrorists may seek the assistance of human smuggling organizations in order to surreptitiously enter the U.S. (Ordonez, 2008). Human smuggling organizations are run like a business and are financially driven. Because they are not concerned with the identity of their clients, terrorists and criminals have the ability to utilize these smuggling organizations as a ticket into our Nation (United States, 2005b, p. 15). Some U.S. officials worry that the alien smuggling routes into the U.S. could be used by the terrorists not only to enter the U.S. but to possibly introduce weapons into the U.S. (Dangerous desert, 2005).

Another option for the terrorists and criminal organizations to gain undetected entry into the U.S. is to bribe U.S. border officials. By doing so, they essentially get a 100 percent assurance that their “cargo” will make it into the U.S. undetected. Also, homeland security and law enforcement officials will likely never know what or who was allowed past our borders until it is too late to take any action. For example, in June 2007, three National Guardsmen assisting the U.S. Border Patrol were arrested for facilitating the entry of 24 illegal aliens in a Homeland Security leased vehicle (Seper, 2007). On May 16, 2008, a CBP Officer allowed vehicles to enter the U.S. land border port of Otay Mesa, CA. One vehicle contained 18 illegal aliens and more than 170 pounds of

marijuana (Border Officer, 2008). In October 2008, two brothers (former Border Patrol agents) were arrested for their involvement in smuggling dozens of illegal immigrants, mostly Mexicans and Brazilians, while on duty (Archibold & Becker, 2008).

The good news is that there is a mechanism in place that may be able to assist with reducing corruption. The National Strategy for Information Sharing (NSIS) was created, in part, to give the highest priority to the exchange of terrorism information with foreign governments (United States, 2007). The bad news is that unless and until the U.S. Government can gain the cooperation of the Mexican government, Mexican federal police, Mexican military, and Mexican state police to share intelligence and information on which Mexican criminal organizations are involved in bribing officials on both sides of the border, there will continue to be an inherent risk of corruption resulting in a terrorist being waved past U.S. border security officials undetected.

Argentina, Brazil, and Paraguay, otherwise known as the Tri-Border Area (TBA), are locations where criminal organizations and terrorist groups can hide in plain sight. The TBA is also known as an area where fraudulent documents can be easily obtained through corrupt government officials (Berry et al., 2003). Both the TBA and Central America are popular with migrants and those with terrorist ties from other countries because of the ability to obtain tourist visas either legally or through bribery (Terror-Linked Migrants, 2005). For example, two foreign nationals, Mohammed Kamel Ibrahim, a native of Ghana and a naturalized citizen of Mexico, and Sampson Lovelace Boateng of Ghana were both charged with smuggling East Africans from Mexico to the U.S. Boateng was providing fraudulently obtained Mexican visas for travel through Africa, South and Central America, and then into Mexico at which point Ibrahim would smuggle them into the U.S. (Seper, 2007).

Another example of visa fraud, although not at the U.S.-Mexico border, that demonstrates a relationship between terrorists and criminal activity involves Hezbollah. In 1999, Said Mohamad Harb, who was heavily involved in the North Carolina cigarette smuggling ring lead by Mohamad Hammoud that raised millions of dollars for Hezbollah, helped secure three fraudulent visas and foster three sham marriages. These Hezbollah supporters obtained nonimmigrant visas, which allowed them to stay in the

U.S. for two weeks. However, each ended up marrying a U.S. citizen immediately after their arrival, which allowed them to stay indefinitely. Harb also attempted, unsuccessfully, to bribe an immigration special agent with \$10,000 so another brother could enter the U.S. (United States, 2006a).

Terrorists and criminal organizations may work together but may not do so willingly (Hutchinson & O'Malley, 2007, p. 1096). This temporary *cooperative effort* has been referred to as the “gray area” (Ponce, 2006). However, because terrorists and criminal organizations are typically engaged in illegal enterprises, there may be a willingness to work with one another in order to meet their financial needs. According to O'Neil (2007), they both rely on money to support their organizations. Frequently they require continual, and often times multiple, streams of cash flow in order to keep their operations running leading to behavior that is more criminal in nature. For example, the March 11, 2004 Madrid train bombings were financed by money earned dealing in hashish and ecstasy. Apparently the brother of the ringleader (Jamal Ahmidan) of the Madrid attack was one of Morocco's top hashish dealers. Also, the explosives used in the bombing were paid for by bartering hash and money (Kaplan, Fang, & Sangwan, 2005).

Terrorists and criminal organizations are similar in that they both rely on the secrecy of their operations, secrecy of their membership, and secrecy of their leadership. Their transnational nature and use of a network structure provides them with organizational flexibility and enhanced efficiency (Shelley & Picarelli, 2002). Also, both criminal and terrorist groups have been able to gain increased protection from law enforcement by decentralizing, which allows for clandestine movement and a higher level of anonymity (Shelley & Picarelli, 2002; Townsend & Mili, 2008). Furthermore, they both employ specialists in fraudulent documents and the movement of illicit funds (Shelley & Picarelli, 2002). Lastly, they both engage in drug trafficking and human smuggling, which is based on an established trust that is cemented by a mutual ethnic or cultural background (Mincheva & Gurr, 2006; Townsend & Mili, 2008).

Absent the ability to freely share timely, accurate, actionable information, the ability to disrupt a partnership between a criminal and terrorist organization intent on smuggling operatives into the U.S. becomes much more challenging. The criminal and

terrorist organizations are fully aware that the U.S. and its allies are actively seeking to disrupt their organizations and any plans they may have to attack the U.S. and its interests. Therefore, criminal and terrorist organizations will do everything in their power to hide or disguise any possible links with one another to avoid disruption by U.S. authorities. The danger to U.S. security is that the terrorists and criminal organizations have no real concern about the outcomes of their potential relationship as long as their financial needs are being met. That is, if there is an agreement to cooperate on human smuggling efforts the focus will be on financial compensation with little regard for who or what (e.g., terrorist operative, weapon) they are smuggling.

B. METHODOLOGY

The methodology used for this thesis involved personal interviews and case studies. The interviews were conducted telephonically and were one hour in length. Fifteen senior homeland security and senior law enforcement officials located along the southern border of the U.S. participated in the interviews. They represented the Federal Bureau of Investigation, Immigration and Customs Enforcement, Customs and Border Protection Office of Field Operations, Customs and Border Protection Office of Border Patrol, county sheriffs, and city police. A qualitative data analysis was conducted on the interview data in order to reveal any themes and patterns.

Two case examples are illustrated in detail to describe the relationship between criminal and terrorist organizations in terms of human smuggling. Scholarly literature, legal affidavits, and criminal indictments were reviewed and analyzed to provide a detailed account of these two cases. Furthermore, these two case examples were chosen because they illustrate the criminal behavior, terrorist affiliation, and smuggling operations of persons who have successfully entered the U.S. from Mexico, undetected.

A thorough case study was conducted on the Irish Republican Army to illustrate how an international organization can ebb and flow between criminal and terrorist activity. Furthermore, this case illustrates that this behavior is passed on from generation to generation continuing the cycle of criminal and terrorist behavior. A summary of these two case examples and case study will identify the connection between criminal activity, terrorism, and human smuggling.

The first step in trying to understand the relationship between criminal and terrorist organizations in the context of human smuggling is to look at existing studies that explore the various aspects of this issue. Specifically, studies relative to human smuggling, criminal organizations, terrorism, and information sharing will be reviewed in an effort to determine a nexus between these entities.

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II. LITERATURE REVIEW

On the issue of the relationship between criminal and terrorist organizations in the context of human smuggling along the U.S. border with Mexico, there are three categories of literature that fall within the scope of this subject. Each category includes scholarly papers, government reports, and newspaper articles. The three categories that have been identified as germane to the research question are: human smuggling, criminal organizations, and terrorism. A fourth category that fell within the scope of this thesis, which surfaced during the interview phase of this research, is information sharing that takes place between federal, state, and local law enforcement entities. This first hand account of current information sharing obstacles as well as “best practices” was extensive and detailed and will be discussed at length in a separate chapter.

A. HUMAN SMUGGLING

The literature on human smuggling contains a mix of Government Accountability Office (GAO) reports that are a few years old, reports from federal agencies (e.g., Department of State, Department of Homeland Security) that are fairly recent, and quite a few newspaper articles (e.g., *Washington Times*, *Wall Street Journal*) that are current. Many policy makers are concerned about the drug cartels involvement in human smuggling (United States, 2005b). In fact, the literature identifies several relationships between criminal organizations and human smuggling. For example, there are Russian criminal organizations engaged in a wide array of illegal activities in Mexico, which include alien smuggling (Miro & Curtis, 2003, p. 29). Also, Asian criminal organizations are active in Mexico and have partnered with the domestic (Mexican) alien smuggling and human trafficking rings (Miro & Curtis, 2003). The 9/11 Commission also cited strong concerns that human smuggling organizations and terrorists may collaborate to bypass detection by border officials (United States, 2005b). Furthermore, there is a concern that terrorists and criminals have the ability to utilize smuggling organizations as a ticket into our Nation (United States, 2005b, p. 15).

In an effort to curb human smuggling, the U.S. Government doubled the number of agents on the border between Mexico and the United States between 2006 and 2008. As Millman (2007) points out, the increased security has caused a reduction in people trying to cross illegally but resulted in an increase in business for professional human smugglers who are connected to drug smuggling organizations. In fact, Vartabedian, Serrano, and Marosi (2006) proposed that an increase in the number of border agents would result in an increase in the number of people involved in corruption. Furthermore, Becker (2008) has seen a rise in the number of corruption cases since the federal government and other law enforcement agencies have increased the number of personnel patrolling the border. Accordingly, from 2004–2006 over 200 public employees have been charged with helping move narcotics or illegal immigrants across the U.S.-Mexican border (Vartabedian, Serrano, & Marosi, 2006). As more Border Patrol agents are added to the southwest border, the Mexican drug cartels will likely try that much harder to corrupt border officials (Campo-Flores et al., 2005; Becker, 2008).

Corruption is one of the issues people face when working in close proximity with the southern land border between Mexico and the U.S. (Campo-Flores, Campbell, Kovach, & Gekas, 2007). In fact, there are numerous recent cases involving Border Patrol Agents and CBP Officers engaged in *passing* or *waving through* carloads and, in one instance, busloads of illegal aliens (Kahn, 2006; Former Border Patrol Agent, 2008).

Despite an increase in the number of border agents along the U.S.-Mexico border, the Mexican drug cartels continue to be more dangerous than organized criminal organizations (i.e., criminal gangs and human smugglers) and are a significant threat to border officials along the southern border (McCaul, 2006, p. 4). T.J. Bonner, the president of the National Border Patrol Council, has stated that the number of assaults against Border Patrol agents have doubled over the past two years. These assaults are predominantly from the drug cartels that use violence as a way to ensure that their human smuggling and drug smuggling loads are protected (Seper, 2007, p. 1).

The human smuggling routes between the U.S. and Mexico continue to pose a risk for terrorist exploitation and are of grave concern to policy makers. The criminal organizations in Mexico have developed specialized skills in human smuggling and

document fraud making them ripe for exploitation by criminal and terrorist organizations seeking entry to the U.S. (Berry et al., 2003). According to Westphal (2000) document fraud, part of the human smuggling enterprise, generates millions of dollars annually for criminal organizations (Westphal, 2000). For example, one of the largest counterfeit organizations, known as the San German/Castorena ring, is located in Los Angeles. Documents produced by this one organization have turned up in 55 cities and 32 states according to Westphal (2000).

Keefer (2006) believes that a relationship between human smuggling networks and terrorist organizations are a real possibility in today's environment and that this relationship presents a threat to our national security. Davidson II (2005, p. 8) purports that human trafficking routes between the U.S. and Mexico are likely to be used by terrorists located in the Tri Border Area (TBA) of South America. Furthermore, Al-Qaeda and Hezbollah are known to have used the TBA in South America for fund raising, money laundering, and drug trafficking (Berry et al., 2003). In fact, terrorist organizations are recruiting and training new members in South America who are referred to as Other Than Mexican or OTM (Nuñez-Neto, Siskin, & Viña, 2005, p. 21). The number of OTMs apprehended by Border Patrol (the majority along the Southwest border) in FY06 was 108,025. One of the risks associated with processing so many foreign nationals for removal from the U.S. is that the opportunity for error (e.g., not identifying a fake document or fake identity) is greatly increased due to the heavy workload (McCaul, 2006, p. 27). It is unknown how many OTM's have successfully made it past border officials without capture.

The financial gains from human smuggling and document fraud continue to be the driving factor for criminal organizations and gangs, with no regard for who they may be smuggling into the U.S. According to Stana (2005, p. 1), alien smuggling is a billion dollar industry and is a threat to the security of the U.S.

B. CRIMINAL ORGANIZATIONS

There is a significant amount of scholarly literature, much of which has been written by John P. Sullivan and Louise Shelley, addressing criminal gangs that reside

south of the U.S.-Mexico border. They are frequently referenced in other scholarly articles and are among the respected experts on criminal organizations and their possible link to terrorism.

The Central American region, referred to as the Northern Triangle, is comprised of Honduras, El Salvador, and Guatemala and is a hotbed for criminal organizations and criminal gangs. Extortion is commonplace and homicide continues to rise uncontrollably. Both the criminal gangs and the organized criminal organizations are contributing to these problems. There is also a sense of lawlessness that does not discourage this type of behavior (WOLA, 2008, pp. 2–3). Ribando (2005) provides some data to indicate that Honduras, El Salvador, and Guatemala (Central America) are the center of the criminal gang crisis. For example, the 2004 murder rate in Honduras was 45.9 per 100,000 people, El Salvador was 41.2 per 100,000 people, and Guatemala was 34.7 per 100,000 people. For the U.S. it was 5.7 per 100,000 people. This type of activity can destabilize the Central American region and threaten the security of the U.S.

The two main criminal gangs that cause policy makers concern are Mara Salvatrucha (MS-13) and the 18th Street gang (M-18). Both groups are involved in human and drug smuggling and could use these same skills to smuggle terrorists into the U.S. (Franco, 2008). In fact, it is fairly common for a terrorist and criminal group to intersect when it comes to illicit activities. One example of this fact is illustrated by what occurs in Afghanistan due to the significant opium drug trade (Shelley, 2005). It has been reported that MS-13 members have been active in southern Mexico and have charged smugglers a fee for passing through MS-13 controlled territory. MS-13 has also worked with the Mexican drug cartels to carry out revenge killings (Ribando, 2008, p. 4). For example, there were 138 murders in El Salvador in January 2005, 79 of which were committed by MS-13 (Bruneau, 2005).

These criminal gangs have found that they are more influential, in some instances, if they have some semblance of organizational structure. For example, according to Campo-Flores et al. (2005), some MS-13 members may be attempting to establish a formalized structure within the MS-13 organization. According to Oscar Bonilla, director of the National Council for Public Security in El Salvador, the MS-13 gang is “highly

organized and disciplined... with semi-clandestine structure and vertical commands” (Campo-Flores et al., 2005, ¶ 7). This type of structure has allowed MS-13 to act as the government in some parts of El Salvador and Guatemala. Bruneau (2005) states that the governments “have all but given up,” while the maras (gangs) collect taxes on individuals and businesses. However, Ribando (2008) believes that gangs lack a hierarchical leadership structure, are more horizontally organized with lots of subgroups, and have no central leadership that enforces discipline.

Regardless of the gang’s structure, Bruneau (2005) has expressed that the maras could be used by political groups and hire themselves out to radical groups or terrorists. According to Wilson and Sullivan (2007), street gangs like MS-13 and terrorists organizations like al-Qaeda have some things in common. For example, they are both violent, use intimidation and coercion, are transnational, and thrive in areas where the state is weak or nonexistent. Furthermore, these newer transnational crime groups thrive on chaos and the ongoing regional conflicts where they operate (Shelley, 2005).

Sullivan (2006, p. 491) believes that some gangs may evolve into *third generation gangs* that engage in political activities. For example, in 1986 a Chicago based gang called “El Rukn” was going to perform terrorist attacks for Libyan President Gaddafi in exchange for money. Fortunately, in 1987 the leader of the El Rukn gang, Jeff Fort, was charged with conspiring with Libya to commit domestic acts of terrorism (Five draw long sentences, 1987).

The Central American region tolerates organized criminal organizations and criminal gangs and activities that influence politicians and government officials allowing them to operate their criminal enterprises in a *law-free* environment. The research literature is clear that MS-13 and M-18 are involved in human smuggling and are working with organized criminal organizations south of the U.S. border and in Central America (Kane 2006; Franco, 2008). Some U.S. Government officials have speculated that criminal gangs like MS-13 and M-18 will hire themselves out to smuggle terrorists into the U.S., while some of the scholarly research indicates that this is not a likely occurrence (Dangerous Desert, 2005; United States, 2005a; United States, 2005b).

C. TERRORISM

There is quite a bit of scholarly literature on the topic international terrorism groups operating in Mexico and Central and South America. There are also a few Naval Postgraduate School Master's theses that delve into these areas. Some of the key authors on these topics are Louise Shelley and John P. Sullivan. Both authors are routinely referenced in relevant scholarly literature and one would be remiss if they did not include their writings as part of a thorough literature review.

Cruz (2005) does not believe that cooperation between al-Qaeda and Central American gangs is a likely occurrence because gangs like MS-13 are decentralized networks whereas al-Qaeda has a central decision making authority. Shelley and Picarelli (2005) argue that transnational crime groups (terrorists or international organized criminals) use a network structure (i.e., cells or decentralized) to reduce law enforcement infiltration. This type of structure also makes it challenging to determine the head of an organization. Furthermore, it is thought that if terrorists conceal their identity then criminal organizations are more likely to provide their services (Townsend & Mili, 2008). However, criminality by a terrorist group decreases their ability to remain anonymous because of their increased contact with criminal organizations (Townsend & Mili, 2008). For example, in Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) are involved in both terrorism and organized crime. They are transnational in nature and finance their activities through organized criminal activity like drug and human smuggling (Berry et al., 2003).

According to Poveda (2007, p. 25), terrorists may enter into the criminal world for financial reasons. Furthermore, terrorists and criminal organizations will seek out financial gain but may do so for different reasons. Shelley (n.d.) refers to this as "methods not motives" in that terrorists and criminals will engage in the same methods (e.g., drug trafficking, human smuggling, document fraud) to seek financial gain but will do so for different reasons. This is likely due to differences that exist between terrorists and criminal organizations in that criminals are driven by need, greed, and opportunity whereas terrorists are driven by ideology (O'Neil, 2007). However, it is possible that criminal and terrorist organizations could converge in what is described as the "gray

area.” This is a location where illegal activities occur and neither the terrorists nor the criminals take credit but each would reap the benefits from the illegal activity (Ponce, 2006, p. 30). Furthermore, terrorists and organized criminals may work together but may not do so willingly. For example, organized crime groups may already control relevant illicit markets so the terrorists, out of necessity and not out of desire, will form temporary relationships with these groups to gain access to the illicit markets (Hutchinson & O’Malley, 2007, p. 1096).

State corruption is another area that is common to both terrorist and criminal organizations. The primary purpose of state corruption is to have the freedom to conduct illicit operations out in the open without law enforcement or government interference (Shelley & Picarelli, 2005). In fact, international crime groups in China, Colombia, Mexico, Russia, Italy, and the United States have survived despite repressive governments like the Chinese communists and the former Soviet Union, and federal law enforcement agencies like the Federal Bureau of Investigation (FBI) (Shelley, 2005). Sullivan and Weston (2006) discuss the impact of corruption on political and legal entities that eventually impact the stability of the state and its people. They go on to state that criminal organizations are involved in drug and arms trafficking, human smuggling, and extortion of which part of the proceeds go towards bribing these political and legal entities (Sullivan & Weston, 2006, p. 621). When left unchecked, such criminal activity erodes social stability and state solvency.

D. INFORMATION SHARING

The Department of Homeland Security (DHS) was created out of the events of 9/11 and codified in law through the Homeland Security Act of 2002. One of the mandates of the new department was to consolidate 22 agencies under one umbrella so that the information flow between these agencies would be seamless, shared, and leveraged to the fullest extent possible by each agency (United States, 2009a). The Homeland Security Act of 2002 went so far as to define the meaning of “homeland security information” (United States, 2002).

The term ‘homeland security information’ means any information possessed by a Federal, State, or local agency that (A) relates to the threat of terrorist activity; (B) relates to the ability to prevent, interdict, or disrupt terrorist activity; (C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or (D) would improve the response to a terrorist act. (p. 121)

There are many federal agencies outside of DHS, but still within the federal government, that are collectors of information. For example, the Drug Enforcement Agency, the Department of Energy, and the Treasury Department are just a few of the larger collectors of information. There are also “centers” that supply information to consumers. For example, the National Counterterrorism Center (NCTC) collects intelligence from 28 different government networks where it is then accessible by individual agencies (McNamara, 2006). Furthermore, there are some major information collectors within DHS. For example, Citizenship and Immigration Services, Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and the Transportation Security Administration (Nojeim, 2009). There are also numerous collectors of information at the state, local, and tribal levels.

Strickland (2004) believes that it was a failure of knowledge management that contributed to 9/11 and Martin (2009) acknowledges that information is critical to preventing terrorism and crime. Furthermore, the need to share intelligence is critical when it comes to detecting terrorist organizations that are seemingly inconspicuous (Wishart, 2002). Coincidentally, Executive Order 13356 is titled “strengthening the sharing of terrorism information to protect Americans.” The purpose of this document is to give the highest priority to, among other things, the exchange of terrorism information among agencies and the exchange of terrorism information between agencies and state and local governments. The Information Systems Council, created by this Order, is supposed to achieve this goal (United States, 2004).

The Intelligence Reform and Terrorism Prevention Act of 2004 called for the creation of the Information Sharing Environment (ISE) (United States, 2007). The goal of the ISE was to share terrorism information across all levels of government and the private

sector in order to successfully defeat terrorism (McNamara, 2006). Furthermore, the ISE is supposed to eliminate information gaps and ensure that the right information gets to the right people.

The National Strategy for Information Sharing (NSIS) was developed with a similar purpose in mind, as was Executive Order 13356, the Information Systems Council, the Intelligence Reform and Terrorism Prevention Act of 2004, and the Information Sharing Environment. The NSIS was developed with the understanding that homeland security information, terrorism information, and law enforcement information related to terrorism can come from all levels of government, private sector organizations, and foreign sources (United States, 2007). That is, all sources of information must be relied upon and participate in the information sharing process.

One example of cooperation between federal agencies and foreign governments, even though it was prior to 9/11, involved some of the same threats that exist present day. The operation was called “Centaur” and involved U.S. and Argentine security agencies and took place in the latter part of the 1990s. Information obtained from this joint operation led to the breakup of a 1996 bomb plot to blowup the U.S. Embassy in Asuncion, which is Paraguay’s capital and resides in the TBA. A Lebanese national named Marwan al Safadi was a member of the Muslim Brotherhood and planned the attack. Paraguay is the home to approximately 12,000 Muslims of which a portion are suspected of funding or harboring Islamic terrorists. Argentina's Secretary of Security Enrique Mathov says that Ciudad del Este is a “breeding ground for many types of delinquent activity, including drug trafficking, money laundering, gun running and, possibly, terrorism” (de Cordoba, 2001). In fact, the Central Intelligence Agency (CIA) and FBI have been active in this area for years.

John McKay does not believe that the information sharing process has been that successful. He believes that “the assumption that the post-9/11 era would be characterized by a new term—transparency—has unfortunately proven to be unfounded.” One example of how the federal agencies could have benefited from information sharing between them and a local jurisdiction is illustrated by the following traffic stop that occurred shortly before 9/11(United States, 2008c).

The Arlington, VA Police Department issued a speeding ticket to Hani Hanjoor, the pilot of flight #77 which attacked the Pentagon, six weeks prior to the 9-11 attack. The information collected by the Arlington Police, if automatically shared with the FBI, most probably would have alerted the FBI that a suspected Al-Qai'da operative was present only miles from our Capital and Seat of Government. Imagine the possibilities had we embarked upon a real commitment of law enforcement information sharing among all local, county, state and federal agencies (p. 5).

While the example of 9/11 is replete with information sharing failures, the outlook for improvement in the information sharing environment is not as bleak as one may think. According to Christenson (2007), "information sharing works best when relationships of trust are established." This is an important aspect that is often overlooked when it comes to policy and practices on information sharing. Often times, the private sector or local police may be alerted to something unusual or of concern or that may be of interest before anyone else. This is precisely why relationships between public, private, and nonprofit organizations are crucial for homeland security information sharing (United States, 2008d).

The following example illustrates the importance of relationships in the information sharing process and how it can lead to the apprehension of terrorists or those involved in nefarious activities in support of terrorists. In September 2004, Chechen rebels raided a school in Beslan, Russia killing 331 people. The Los Angeles Police Department (LAPD) took note of the incident and began to ask what they would do if an attack of this nature took place in their backyard. After some initial research, the LAPD detectives discovered that there were Chechen extremists in the Los Angeles area.

Apparently a Chechen businessman in Los Angeles was affiliated with a charity that was reportedly sending "humanitarian" aid to Russia, Armenia, Georgia, and Jordan. However, it was discovered that they were involved in an international car theft ring and were sending stolen cars overseas (Block, 2006). The LAPD informed DHS that the state of California had revoked the license of the Chechen businessman for failure to file a tax return, which resulted in Immigration and Customs Enforcement agents to select containers belonging to this "business" for inspection. They found two sport utility vehicles hidden behind a false wall in the shipping container (Block, 2006). The FBI was

invited to look into this matter by the LAPD resulting in the seizure of 14 additional stolen vehicles. It is believed that the proceeds of these stolen vehicles were being used to support terrorism.

State, local, and tribal agencies are critical to the prevention of future terrorist attacks. Furthermore, through the course of routine law enforcement activities these entities may gather information that points to or more importantly prevents the next terrorist attack (United States, 2007). However, given that the intelligence culture is historically secret, often times within the same agency (e.g., FBI), it is no surprise that information sharing is sparse between federal agencies and outside the federal government (Isaacson & O'Connell, 2002; Tama, 2005; Zegart, 2007).

Information sharing requires leadership, commitment, and trust in the power of collaboration. Failing to share information can result in the failure to connect the dots (France, 2006).

More than one agency investigating a similar case and not sharing information will also lead to the failure of apprehending criminal behavior prior to an incident. In addition, many criminal investigations can have a terrorism nexus. This makes it important to communicate in both directions across the organizational divisions between homeland security investigations and traditional criminal investigations (p. 2).

E. SUMMARY

Human smuggling is a recognized threat by policymakers, homeland security officials, as well as state and local law enforcement. Human smuggling organizations are a threat to National security and the stability of the Western Hemisphere. Criminal organizations share many of the same smuggling corridors that are used by the human smugglers and are, at a minimum, complicit in allowing these groups to operate their human smuggling rings along side their illicit narcotics operations.

Criminal organizations have developed expertise in document fraud and human smuggling practices, which makes them attractive partners for terrorist organizations. These partnerships are likely to come to fruition in the TBA of South America as it

continues to be a safe haven for criminal and terrorist organizations who are engaged in human smuggling. The TBA is also known for attracting recruits who want to become part of a criminal or terrorist organization like al-Qaeda. As stated earlier, it is not uncommon for criminal and terrorist organizations to come into contact in the Central and South American region. For example, MS-13 is known to have carried out murders for the drug trafficking organizations, used extortion on business owners and government officials, as well as provided protection for criminal and human smuggling enterprises.

The bottom line is that it is all about the money. The criminal organizations want to sustain a lifestyle, control territory, and turn a profit. They do not necessarily care who or what they are moving, as long as it does not threaten their ability to make money. Even then they may willingly move a known terrorist out of sympathy due to shared cultural similarities, ethnic background, or religious beliefs. As for the terrorists, they form these relationships mostly out of necessity. That is, they need access to the illicit human smuggling market, which includes the corridors, a variety of criminal groups, and the expertise on human smuggling. The risk for the terrorist groups is that by partnering with a criminal organization for purposes of human smuggling, they lower their ability to remain anonymous. However, there are examples of terrorist groups that do regularly engage in criminal behavior (e.g., LTTE, IRA) with no apparent desire to remain anonymous.

Perhaps an equal threat, when compared to criminal and terrorist organizations, is corruption. The number of border agents has doubled in the past several years leading to tighter border security. However, this increase has also lead to an increased number of corruption cases. As long as the criminal and terrorist organizations have, what seems to be unlimited funds, and there are border agents willing to accept their bribes, corruption will continue to be a serious threat to the U.S.-Mexico border.

Relationships are critical to making up information sharing shortfalls that exist due to ineffective legislation, policy, or systems issues. However, in the case of the FBI, the 9/11 report stated that the CIA had valuable information about some of the 9/11 attackers but did not share this with the FBI because they said they needed approval from the Justice Department. Sadly, prior to 9/11, intelligence collection and dissemination

was closely guarded and frequently protected due to turf wars between federal agencies (National Commission, 2004). Unfortunately, even when agencies know that they can legally share information both within and outside the federal government there is still a reluctance to share. Despite these obstacles, information sharing between federal, state, and local entities may be one of the main ways to prevent criminal and terrorist organizations from working together to smuggle a terrorist into the U.S. There are a plethora of federal, state, and local agencies that collect and store information that is often times directly or indirectly related to criminal and terrorist organizations. Unfortunately, there is no one overarching law, executive order, national strategy or department that oversees the information sharing that takes place between federal, state, local, and tribal entities.

The scholarly literature provides a unique look at the relationships between criminal and terrorist organizations in terms of human smuggling, but it should not serve as the sole source of determining the validity of this relationship. Information obtained from senior homeland security and senior law enforcement professionals who have direct exposure to these organizations can provide further insights into how and why these relationships are established, as well as lend credibility to the existence of these relationships.

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III. INSIGHT FROM SENIOR HOMELAND SECURITY AND SENIOR LAW ENFORCEMENT OFFICIALS

Fifteen (nine federal and six local) senior homeland security and senior law enforcement professionals, respectively, were interviewed between March 25, 2009 and April 13, 2009. They represented ten agencies along the southern land border and were from the following locations: San Diego, CA, Tucson, AZ, Yuma, AZ, and El Paso, TX. The range of time-in-service for the 15 senior officials varied from a low of 12 years to a high of 38 years (see Figure 1). The mean time-in-service was 23.5 years, the median was 23 years, and the mode was 22 and 24 years resulting in a bimodal data set. The average number of years spent on the southwest border was 17.1 years.

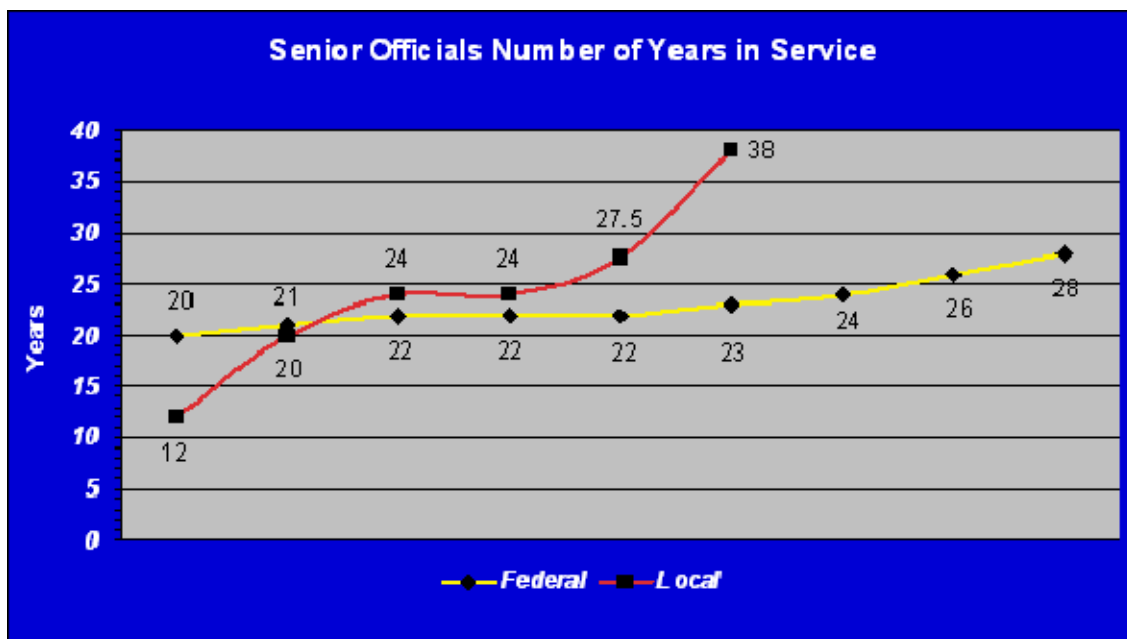


Figure 1. Number of Years in Service

This research captured a representative sample of views and professional experience from senior law enforcement and homeland security officials at the federal, county, and local level who represent different segments of the southwest border. Furthermore, they were able to provide knowledge about homeland security in terms of

criminal and terrorist organizations, as well as human smuggling. The data was collected during a recorded 60 minute telephone interview with each official, whereby they were asked approximately 13 questions. The responses to these questions were used to codify the relationship between criminal and terrorist organizations in terms of human smuggling, which may ultimately threaten the southwest border of the United States.

A qualitative analysis was conducted for each of the 15 interviews. This detailed review and analysis of each recorded telephone interview highlighted the various themes that emerged in terms of their similarities and differences. The interviews revealed the following seven themes: method of entry into the U.S., reasons for forming a partnership, benefits of entering into a relationship, type of relationship needed to penetrate the U.S., type of group(s) that would work with a terrorist organization, factors that inhibit a relationship from occurring, and factors that allow relationships to occur.

When discussing the theme “method of entry into the U.S.,” the senior officials revealed nine separate ways that a terrorist could enter the U.S. undetected. While all seven of the above mentioned themes will be addressed in the discussion on interview data, the theme “method of entry into the U.S.” will be discussed under its own heading, since this helps establish the basis of this thesis, which is the possible formation of a relationship between criminal and terrorist organizations in terms of human smuggling.

A. METHOD OF ENTRY TO THE U.S.

Despite various levels of direct experience with human smuggling among senior law enforcement and senior homeland security officials, as a group they were able to identify nine different ways that would most likely be used by a terrorist to gain undetected entry into the U.S. (see Figure 2). The two most frequently mentioned methods were entering the U.S. surreptitiously through the use of drug trafficking or human smuggling organizations and entering the U.S. legally.

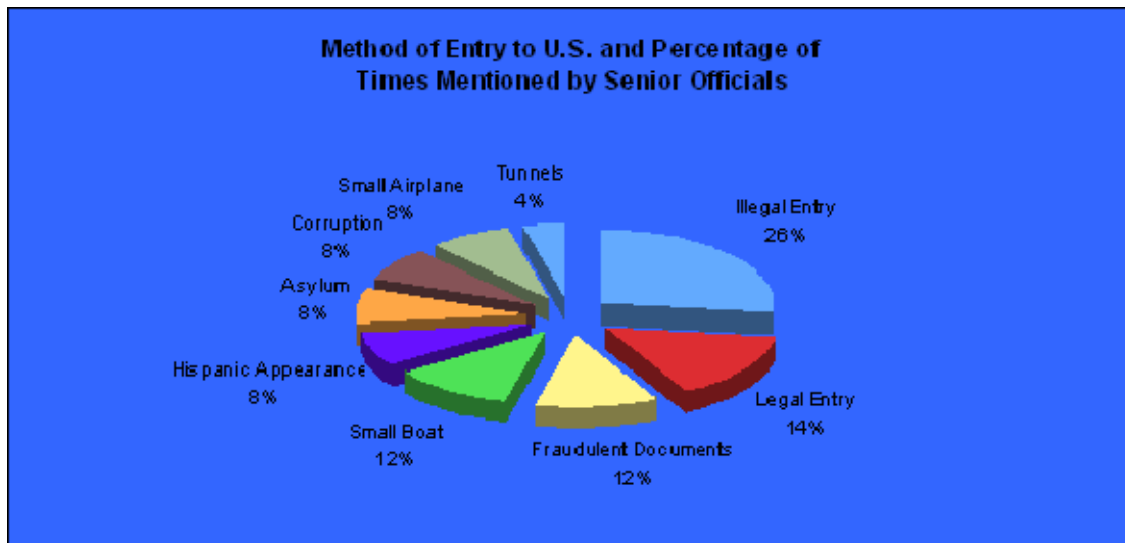


Figure 2. Method of Entry to U.S.

1. Illegal Entry

When it comes to entering the U.S. illegally, the most common method would be to leverage the established smuggling routes. The criminal organizations (drug trafficking) control the smuggling routes and allow the human smuggling groups to use these routes for a fee.

There are some people that will smuggle anyone if the price is right and it has occurred from second and third hand accounts but we do not know who they are or how to locate them based on limited information. (Interview with senior homeland security official, March 26, 2009)

A lot of the human smuggling groups will only smuggle their own kind (e.g., Chinese smuggling Chinese or Korean smuggling Korean) (Interview with senior homeland security official, April 7, 2009). This is born out in the case of Salim Boughader Mucharrafille, a well known smuggler who is of Lebanese-Mexican origin. He smuggled about 200 Lebanese Hezbollah sympathizers into the United States prior to his arrest in December 2002. “It takes money to move high value people and the terrorist organizations are very well funded. They can just say, here is the money and get me through to wherever” (Interview with senior law enforcement official, March 31, 2009). So, illegal entry, regardless of who is performing the smuggling, is a threat to the security of the U.S.

2. Legal Entry

A logical question is how could a terrorist enter the U.S. legally? The answer is that the person making entry would not have any associated criminal or derogatory information when their name and documents are run through law enforcement databases. That is, they would have a clean criminal record. So, it would appear that there is no need for an association between a criminal and a terrorist organization in terms of human smuggling when utilizing this method of entry. However, as will be illustrated by the interview data, these individuals that enter with clean documents are often times supported by terrorist organizations who engage in criminal activity as a source of revenue with the sole purpose of attacking the U.S. For example, the below quote illustrates how entering the U.S. legally is not only supported by terrorists who engage in criminal activity, but how devastating the consequences can be using this method of entry.

Entering as a foreign student is a great way to get into this country as a person with a clean record. As we know from September 11, we know that the 19 hijackers came into this country legally. The main concern is the people that do not have records that are not on our radar, that would come into the country legally and do us harm. (Interview with senior law enforcement official, April 3, 2009)

We know from “The 9/11 Commission Report” that the 19 hijackers were funded by al-Qaeda. We also know that al-Qaeda frequently engages in various criminal activities as a means of generating revenue to support terrorist activities. While there is not an *immediate* and *observable* link between criminal and terrorist organizations in terms of human smuggling and persons making legal entry, there is a link that exists, as described above in the case of 9/11, but it may not be discovered until the occurrence of another 9/11 type event.

The use of fraudulent documents and entry by small boat were the third and fourth most common methods mentioned as to how a terrorist may enter the U.S. undetected.

3. Fraudulent Documents

Establishing a fake identity was thought to be pretty simple, especially if the person could get to “Central America where they could get whatever fraudulent documentation they need” (Interview with senior law enforcement official, April 10, 2009). Central America is in close proximity to South America, which may be another spot to get fraudulent documents according to the following statement. “The hottest place to get documents is Venezuela. Up until a person is fingerprinted in the U.S., they can actually pick their name; make up whatever identity they want” (Interview with senior homeland security official, March 27, 2009). This is why the current biometric systems (e.g., US-VISIT and NSEERS) used to capture fingerprints and photos (for non U.S. citizens) upon entry into the U.S. are so crucial for determining a person’s true identity.

4. Small Boat

There is some evidence of people trying to enter the country illegally by way of small boat. According to one senior law enforcement official, “they occasionally recover small boats on the beach that are used to smuggle marijuana or people up north. Every few weeks Coast Guard and Border Patrol will find an abandoned boat on the beach with a little outboard motor” (Interview with senior law enforcement official, April 1, 2009). According to a senior homeland security official, the coast is so long and vulnerable that it is one of the preferred methods (Interview with senior homeland security official, March 27, 2009). The U.S. shoreline near the Mexican border presents another opportunity for criminal and terrorist organizations to penetrate U.S. security.

Having a Hispanic appearance and use of the asylum process were the fifth and sixth most frequently mentioned methods of how a terrorist may gain undetected entry into the U.S. Both avenues have equally devastating consequences.

5. Hispanic Appearance

Two senior officials mentioned the striking resemblance that exists between a person of Middle Eastern descent and a person of Mexican descent (Interview with senior law enforcement official, March 27, 2009; Interview with senior homeland security

official, March 30, 2009). If one were to put them in standard clothes instead of traditional clothes, and place them side by side without speaking, it would be pretty hard to tell them apart according to these officials. Furthermore, if a terrorist was Hispanic, or more importantly could pass themselves off as Hispanic, they could “sneak in with a group between the ports of entry in El Paso” (Interview with senior homeland security official, March 30, 2009). Lastly, using this same *modus operandi* they could “blend in with the migrant workers moving north” (Interview with senior law enforcement official, April 1, 2009).

6. Asylum

The asylum process is very similar to the legal entry process discussed earlier. That is, there is no *immediate* and *observable* link between criminal and terrorist organizations in terms of human smuggling and the person seeking asylum (or the person seeking legal entry). These asylum seekers are frequently affiliated with groups like al-Qaeda who want to get people into the U.S. who have no “obvious” association to terrorism, criminal activity, or human smuggling.

During the asylum¹ process, you get fingerprinted and interviewed, “but if there is no derogatory information, you are considered to be clean” (Interview with senior homeland security official, April 1, 2009). The person seeking asylum does not have to present identification documents, “all they have to present is a story” (Interview with senior homeland security official, March 27, 2009). The Somali’s are one example of a group that is using the asylum process as a legalized way of getting *smuggled in the open* into the U.S. Here is what two senior officials had to say about the asylum process.

Word of mouth gets passed around quickly so they know what story is going to work; for instance I am from such and such Klan, from this area in Somalia, I have been persecuted, my family members have been raped

¹ The U.S. Asylum Program provides protection to qualified applicants who are already in the U. S. or are seeking entry into the U. S. at a port of entry. Asylum-seekers may apply for asylum in the U.S. regardless of their countries of origin and regardless of their current immigration status. There are no quotas on the number of individuals who may be granted asylum each year.
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=3a82ef4c766fd010VgnVCM1000000ecd190aRCRD&vgnextchannel=3a82ef4c766fd010VgnVCM1000000ecd190aRCRD>.

and murdered, and if I go back I will be persecuted so I need asylum. This is their story, they give you a name and that is all you have; they go to court and if we have no evidence against them they are out the door. The vast majority of the people seen in San Diego seeking asylum are either Iraqis claiming to be Christian Chaldeans or Somali's. (Interview with senior homeland security official, March 27, 2009)

The Somalis' seeking asylum is just as much of a threat as the DTO's (drug trafficking organizations) smuggling someone into the U.S. There are a large number of Somali's that cross; they show-up at the border with no identification, and just the clothes on their back seeking asylum. More often than not that asylum is granted. God knows where they go; that is a huge threat. One of the biggest al- Qaeda related threats in the U.S. right now are within the Somali population. Al- Qaeda has been able to make great inroads in the horn of Africa with the Al- Shabab terrorist organization. The route that the Somalis' take to get to the U.S. is rather circuitous. They generally work their way from Africa, across the Atlantic, into Central America, up into Mexico and then they will cross at the San Ysidro, CA port of entry. (Interview with senior law enforcement official, March 30, 2009)

While the asylum process may be a viable way to gain access to the U.S., one senior homeland security official believes that a lot of the suspect parties are those people who already have U.S. citizenship (Interview with senior homeland security official, April 1, 2009). This is supported by the July 27, 2009 arrest of six U.S. citizens and one legal permanent resident, all living in North Carolina. They were all charged with conspiracy to provide material support to terrorists and conspiring to murder, kidnap, maim and injure persons' abroad (United States, 2009b).

If a person has a derogatory history, they would likely avoid the asylum process for fear of detection when their name and fingerprints are run through law enforcement databases. One of their options, besides asylum, would be to take advantage of a weak border official who could be corrupted.

7. Corruption

Corruption is not only potentially devastating to the security of the U.S., but it has damaging effects on the image and perception of law abiding border officials. None of the senior officials believe that a *border official* would *intentionally* allow a terrorist into the country. However, "once the official has gone corrupt, they are not in control of what

is really inside of a vehicle or cargo container that they allow to enter the U.S. without inspection” (Interview with senior homeland security official, April 7, 2009).

The remaining two of the nine ways identified by senior officials that a terrorist could gain undetected entry into the U.S. were by air and land.

8. Small Airplane

There is evidence of drug smugglers using a new tool to avoid radar, ultralight aircraft (a one-person motorized aircraft that resembles a hang glider), to bring drugs across the border (Bazar, 2009). These ultralight aircraft have carried up to 350 pounds of marijuana and could be used by one or more of the following (criminal, terrorist, or human smuggling organization) either separately or cooperatively to carry a pilot and one operative into the U.S.

9. Tunnels

There are storm drains that are very similar to tunnels located in one large southwest Texas city that have “maps inside of them in Spanish telling the illegal where they are at and where they will come out at” (Interview with senior law enforcement official, March 27, 2009). Apparently the city hall of this particular city is built right on top of this storm drain, so if someone wanted to, they could easily do damage to city hall. “Unfortunately this storm drain cannot be blocked because the water has to drain” (Interview with senior law enforcement official, March 27, 2009).

Now that I have discussed the nine ways a terrorist could enter the country undetected, I will turn to the four elements of this thesis that address the central question of whether or not a relationship exists between criminal and terrorist organizations in terms of human smuggling. Those four elements are human smuggling, criminal organizations, terrorist organizations, and information sharing.

B. HUMAN SMUGGLING

The information obtained from the interviews relative to each persons experience with human smuggling varied between senior law enforcement officials and senior

homeland security officials. The senior law enforcement officials that were interviewed did not have a lot of activity within their area of responsibility that pertains to human smuggling despite their close proximity to the southern land border. They are aware that there are stash houses being used for housing illegal aliens waiting to be transported further into the interior of the U.S. within their communities but in many cases they have no authority to enforce immigration laws. They are constrained by current laws and have stated that, “we cannot legally ask them for their citizenship,” referring to “possible illegal aliens” that they encounter (Interview with senior law enforcement official, March 31, 2009). One senior law enforcement official admitted that “there are very strong human rights groups” that places even more pressure on the local police and sheriffs to avoid immigration related matters (Interview with senior law enforcement official, March 31, 2009). When it comes to asking someone for their immigration status in El Paso, Texas the response from law enforcement is, “this is a very hot topic” (Interview with senior law enforcement official, March 31, 2009).

Despite not having much direct interaction with human smuggling, the senior law enforcement officials “are convinced that there are bodies and drugs coming through the tunnels” (Interview with senior law enforcement official, April 3, 2009). Human smuggling tunnels vary in their level of sophistication. Some are crudely dug and are just large enough to squeeze through, whereas others are professionally trenched with support beams, electricity, and have fans blowing air through them. Something that does not receive as much notoriety, but is just as important, is the human smuggling infrastructure beyond the tunnels, which was described as “sophisticated” and likened to an “airport terminal.”

When you go to Southwest Airlines and you say I want to fly to a certain location; and they say from El Paso you will have a connecting flight into Houston and then you go to National and you finally wind up in Chicago. Well that is how sophisticated these guys are (Interview with senior law enforcement official, March 31, 2009).

The senior homeland security officials have much more exposure to human smuggling than do the senior law enforcement officials. This is primarily due to the fact that as part of their mission they are charged with enforcing federal immigration and

narcotics laws. Despite their differences in level of exposure to human smuggling there was a consensus among senior officials that human smuggling organizations and drug trafficking organizations operate in a similar manner.

The similarities lie in the fact that they both have to rely on an established infrastructure and trusted network to move their illicit goods. However, the human smugglers are considered to be a lower tier when compared to the drug trafficking organizations and have to pay the drug trafficking organizations for use of some of the corridors. According to one senior homeland security official, it may be advantageous to be on the lower tier.

Because human smuggling is such a lucrative business, and because the time spent in jail for human smuggling is much less when compared to drug smuggling, a lot of the drug trafficking organizations and individual couriers and movers had switched over to alien smuggling because it was easier and the penalties were less. (Interview with senior homeland security official, March 25, 2009)

Because they are on the lower tier, the human smuggling organizations will take direction on when and how they move their loads, so as to not interfere with a narcotics load. “The value of a drug shipment is significantly higher than a human smuggling load. The drug trafficking organizations will not risk mixing the two for fear of losing their high value shipment to a lower profit human smuggling scheme” (Interview with senior homeland security official, March 25, 2009).

While both human smuggling and drug trafficking organizations have an institutional structure, the drug trafficking organizations are much more centralized and “have bosses, lieutenants, and subordinates” (Interview with senior homeland security official, April 1, 2009). However, the human smuggling organizations are “more of a loose confederation of lots of groups of people that are almost like subcontractors on a large construction project” (Interview with senior homeland security official, April 1, 2009). For example, “one group may not have enough vans so they call someone else who may have the space in their vans” (Interview with senior homeland security official, April 1, 2009). Despite this loose confederation, there is a significant amount of

coordination that is taking place between human smuggling groups. One senior homeland security official explained why there is such a demand and need for coordination between human smugglers.

In order to get a person from Mexico into the U.S. there has to be people involved that know the terrain on both sides of the border as well as into the interior of the U.S. There are a lot of remote areas (along the border) that if you do not know where you are going, you would get lost; or in the winter time you would die – as well as in the summer; from either the cold or the heat. (Interview with senior homeland security official, March 30, 2009)

Unfortunately, the risk is that a human smuggling organization is going to bring in someone from a country who is affiliated with some terrorist organization, and they will not even know it. Another risk that seemingly gives the appearance that there is no criminal or terrorist involvement is what I call *legalized human smuggling*, otherwise known as asylum.

The asylum process is another way for terrorists to enter the country (e.g., Somalis' showing up at U.S. land border ports of entry seeking asylum) and on the surface it does not appear that they are connected to the criminal, terrorist, or human smuggling organizations (i.e., there will be no paper trail or electronic history linking the person seeking asylum to any criminal entity). However, as discussed earlier, the terrorist organizations are frequently funding these people seeking asylum as a way of *legalized human smuggling* and facilitating their travel to the U.S. land border ports of entry. One homeland security official summed up the threat of asylum this way.

Somewhere around 85% of the Somalis' that arrive in the U.S. arrive in San Diego. There is a very well organized smuggling organization route from Africa, either through one of the gulf states on the Arabian peninsula or through South Africa, then through South America, then through Central America, then through Mexico, up to Tijuana and they show up on our door step at San Ysidro saying here I am and I need asylum. Sometimes they show up in the dozens. Are these people truly seeking asylum to be protected or is mixed in amongst them someone who is actually assisting al-Qaeda? So right now I think the bigger threat is the people claiming asylum. (Interview with senior homeland security official, April 7, 2009)

There is one more avenue of human smuggling, similar to the asylum process, which seemingly requires no surreptitious behavior and is just as much of a threat to the security of the U.S. This one avenue involves the assistance of border agents who work in cooperation with criminal and potentially terrorist organizations to allow people or things into the U.S. without inspection. This corrupt behavior was determined to be problematic by all 15 senior officials. Furthermore, they stated that drug trafficking organizations are able to influence officers either directly or indirectly.

The reasons for corruption vary and do not fall neatly into one category. While it was unanimous that it is an infrequent occurrence, it was also unanimous that when it does occur it can have devastating effects on homeland security. However, it was mentioned during several interviews that, “if they (the corrupt officer) knew it was a terrorist they were letting in, they (the officer) would not do it” (Interview with senior homeland security official, March 25, 2009; Interview with senior homeland security official, April 1, 2009).

There are a variety of ways that corrupt officers are caught, but it is not uncommon for fellow officers to be the ones that notice something is not quite right and report the suspect individual(s). Nearly half (47 percent or 7 out of 15) of all senior officials interviewed mentioned that “money and greed” were the primary reasons for falling to corruption (see Figure 3). One senior homeland security official said “the money is phenomenal” (Interview with senior homeland security official, March 26, 2009).

Twenty-percent of senior officials (3 out of 15) identified “family ties” or “family relationships” as the reason for succumbing to corruption (see Figure 3). Some officers have family on both sides of the border (i.e., in Mexico and the U.S.), which was identified as a factor leading to corruption. One senior law enforcement official said “we do what we are supposed to when we hire people, but blood is thicker than water” (Interview with senior law enforcement official, April 1, 2009). This statement indicates that familial loyalty supersedes the officer’s loyalty and commitment to protecting the U.S. and its borders.

According to one senior law enforcement official, another factor leading to corruption is sex (Interview with senior law enforcement official, April 1, 2009) (see Figure 3). The senior official did not elaborate on this particular act of corruption, but anecdotally this occurs when a woman (often times an illegal alien) befriends an officer who works on the border and they engage in a sexual relationship. The woman will then ask or demand that the Officer allow someone (usually a family member who is also an illegal alien) to pass through the port without inspection (i.e., turning a blind-eye). Once the Officer does this, they are basically indebted to the woman whom they are having the sexual relationship with until they get caught or turn themselves in to the authorities.

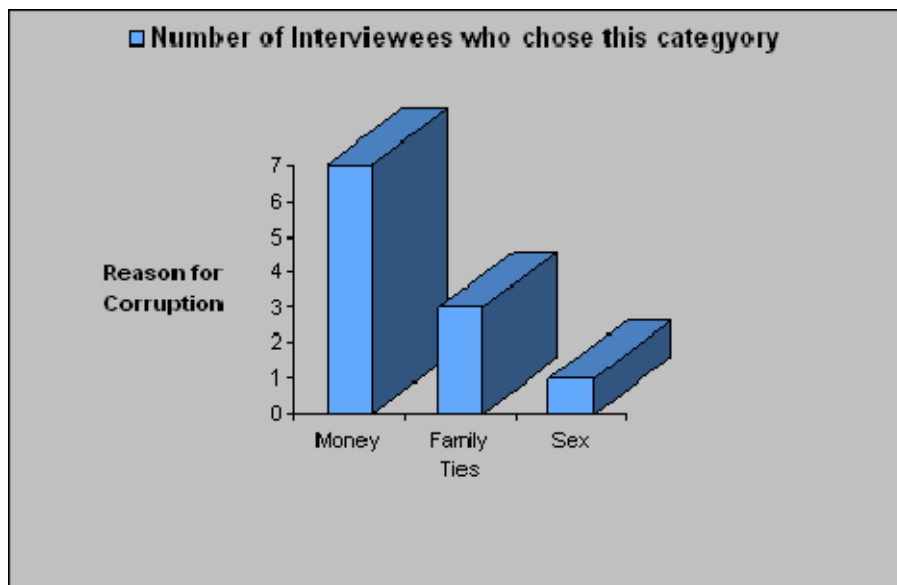


Figure 3. Reason for Corruption

In all of these corruption cases, whether it is for money, family reasons, or sex, “once they (the officer) get paid, they got them (the officer)” (Interview with senior homeland security official, March 26, 2009). In the case of the drug trafficking organizations, they will lie to the officers and tell them they want to “move a trunk load of marijuana and here is your five grand. The drug trafficking organizations know the officer cannot pop the trunk and they move coke (cocaine) instead of marijuana” (Interview with senior homeland security official, March 26, 2009).

The drug trafficking organizations and human smuggling networks are becoming more and more sophisticated and creative on the way they get their products into the U.S. One senior homeland security official stated that “there are people who have joined the border patrol in order to smuggle. There are likely young kids being groomed to join the border patrol to wave that one car through” (Interview with senior homeland security official, March 30, 2009). Another senior homeland security official stated “we know DTO’s (drug trafficking organizations) are specifically recruiting young men and women who have no criminal history that are fairly intelligent that can get through our vetting process and then come to work for us” (Interview with senior homeland security official, March 25, 2009). This is an enormous vulnerability and one that could have devastating consequences. This is effectively a 100 percent guarantee that the smuggled item (e.g., terrorist, drugs, weapons, or chemical, biological, radiological, nuclear or explosives material) will make it past the border and into the U.S.

The impact of corruption is known in some instances and in others we may never really know the full impact until it is too late. One thing is true, and it has been echoed by the senior officials who were interviewed for this thesis, and that is the corrupt officer does not know what they are allowing into the country (Interview with senior homeland security official, April 7, 2009; Interview with senior law enforcement official, April 10, 2009). As far as allowing carloads of illegal immigrants to pass through the border, one senior law enforcement official had this to say.

So out of those thousands could some of them have been Iranian, Pakistani; members of a terrorist organization; yes they could have but we will never know until one of the terrorists get caught and they tell us they came through the port. (Interview with senior law enforcement official, April 10, 2009)

Despite the fact that the corrupt official never really knows what or who they are allowing into the country (because they do not look), they are brazen enough to think that they can determine and dictate to the drug trafficking organizations or human smuggling networks what they will and will not do.

A recent corruption case where the officer told his handlers you can bring me Mexicans and Central Americans but do not bring me any Muslims or

terrorists. He (the corrupt officer) thought he could tell them who they were going to do business with and call the shots and control who they brought in. (Interview with senior homeland security official, April 7, 2009)

The senior homeland security official went on to state what many in law enforcement already know, and that is once you go corrupt, “you are not in control, you work for them, you are not working for the U.S. Government anymore; the bad guys call the shots” (Interview with senior homeland security official, April 7, 2009).

C. CRIMINAL ORGANIZATIONS

For the purposes of this research, criminal organizations can be defined in one of three ways: 1) drug trafficking organizations or cartels, 2) criminal gangs like MS-13 or M-18, and 3) human smuggling organizations. Each senior official was asked to describe their experience with both criminal and terrorist organizations and it was not uncommon that terrorist organizations were also considered to be criminal organizations. Despite the fact that criminality is common among both criminal and terrorist organizations they will be discussed separately so the similarities as well as the differences are highlighted.

All of the senior officials have experience dealing with criminal organizations who deal in drugs and human smuggling. These organizations can be large sophisticated drug cartels, international criminal gangs like MS-13 or M-18, or small family run operations. Often times, these organizations are all interconnected and work together in both the U.S. and Mexico. “The people that smuggle narcotics are the same people, or are associated with, those that smuggle aliens” (Interview with senior homeland security official, March 30, 2009). As described earlier under the section on human smuggling, the routes used to smuggle narcotics are the same routes used to smuggle people. Therefore, there is, at a minimum, some level of coordination between these two smuggling entities in order to move their illicit but very different commodities.

These criminal organizations are all in business to make money. Generally speaking, they will not take on a risky venture if it will jeopardize their business, but they will allow others to perform their more risky business ventures. For example, the criminal

gangs that work for the drug cartels (who are also criminal organizations), are considered to be subcontractors (i.e., they do the dirty work).

Most subcontractors will move anything for the right price. If you are a human smuggler you are going to have the ability and the infrastructure established in Mexico to keep that person hidden. This is why al-Qaeda, on its own, could not smuggle terrorists or weapons of mass destruction into this country alone. They are going to have to rely on local talents especially if they are looking at our (U.S. southern land border) more remote areas. (Interview with senior homeland security official, March 30, 2009)

It is well known that organized criminal gangs are working with the drug trafficking organizations. “In order to secure those routes into the U.S. and to keep those lines going, they (drug trafficking organizations) are employing gangs to do it” (Interview with senior homeland security official, March 25, 2009). The drug trafficking organizations are very deliberate about getting the gangs to work for them. “They (gangs) are already in the community, they (gangs) already have their lookouts, and they (gangs) already have their infrastructure where they can move a bunch of stuff clandestinely” (Interview with senior homeland security official, March 25, 2009). The drug trafficking organizations look for the gangs because there is an endless supply of them.

The motivation for the gangs to work with the criminal organizations is constant money and a good assurance that they are going to get paid for what they do and that there is going to be an ongoing business relationship. (Interview with senior homeland security official, March 25, 2009)

In order to keep the illicit goods flowing from Mexico into the U.S., there has to be secure supply routes. The criminal organizations (drug trafficking) in Mexico control the routes (corridors) and what comes through them. “They are structured enough to have management and people that run the corridors. Nobody comes through the corridors without paying them a bribe” (Interview with senior law enforcement official, April 10, 2009). In fact, one senior law enforcement official stated that “there are people that we know operate in Mexico that are untouchable because they have been operating for so long” (Interview with senior law enforcement official, April 1, 2009).

These criminal organizations work in much the same way as a franchise. There can be smaller cells that are quasi independent from the larger cartel but pay tribute to that cartel for the ability or the right to move product into and out of the U.S. Thus if you go outside the rules of the franchise you either pay some penalty or you lose the right to continue your business or your family is hurt in some way as a reminder that you need to stay in line with the rules. (Interview with senior homeland security official, April 7, 2009)

On the U.S. side, it is believed that the cartels are recruiting gang members to collect their debts. For example, in March 2009 a Hispanic couple (boyfriend and girlfriend) was car jacked in broad daylight. “The boyfriend was dealing in narcotics and dropped a load (i.e., lost it, got ripped off, or it was taken at the border) resulting in him owing the cartels some money” (Interview with senior law enforcement official, April 1, 2009).

In San Diego, right on the border, the local street gangs are largely controlled by the Mexican Mafia also known as La Eme. “Unquestionably the Mexican Mafia has a very strong relationship and probably some aspects of it are controlled by the various drug cartels south of the border” (Interview with senior law enforcement official, March 30, 2009).

Another gang known as the Barrio Azteca is located in El Paso and will “switch sides and go from one side to the other” (Interview with senior law enforcement official, March 31, 2009). That is, they will work for whatever criminal organization gives them the better bang-for-the-buck. “The Azteca’s are a business oriented organization that just happens to be very violent. Their main thing, of course like any other business, is making money” (Interview with senior law enforcement official, March 31, 2009).

D. TERRORIST ORGANIZATIONS

It was not entirely surprising that the majority of the senior officials did not have any experience with terrorist organizations given that they interpreted “experience” as direct contact or exposure to a terrorist or terrorist organization. The general response was that “we do not deal with this too much” or “I have not dealt with any terrorists to my direct knowledge” (Interview with senior law enforcement official, April 1, 2009;

Interview with senior homeland security official, April 1, 2009). When someone did come across a person that they suspected may be a terrorist, they called the FBI or JTTF. Unfortunately, one senior official said that when he called the FBI, he did not receive any feedback, so he had no idea if the person may have been a terrorist (Interview with senior homeland security official, March 30, 2009). Because the senior homeland security and senior law enforcement officials did not have much experience with terrorism directly, this section will focus on the existing information related to terrorist links to organized crime and human smuggling.

Western Hemisphere countries present a variety of conditions that favor transnational crime and terrorist activity (Berry et al., 2003). In particular, Mexico, Central America, and the Tri Border Area (TBA) of South America present similar problems for U.S. security. However, the U.S. itself is also ripe for transnational crime and terrorist activity. The criminal and terrorist organizations in these parts of the Western Hemisphere, including the U.S., are known for their activities associated with drug smuggling, human smuggling, money laundering, and fund raising activities in support of terrorism.

Mexico serves as a safe haven for transnational criminal and terrorist groups because of its geographic proximity to the U.S., fluid cross-border movement of people, goods, and cash, an existing criminal infrastructure, and an environment of corruption among Mexican institutions (Berry et al., 2003). For example, there are alien smuggling and document forgery rings in Mexico that are linked to MS-13 and M-18. There are also Russian criminal organizations engaged in a wide array of illegal activities in Mexico, which include drug and arms trafficking, money laundering, and alien smuggling (Miro & Curtis, 2003). Additionally, Asian criminal organizations are active in Mexico and have partnered with the domestic alien smuggling and human trafficking rings. Furthermore, there are alien smuggling rings that specialize in smuggling Middle Eastern nationals into the U.S. (Terror-Linked Migrants, 2005).

A Mexican immigration official stated in January 2002 that there are people linked to terrorism in Mexico. He went on to identify Hezbollah and made reference to others that have links to Osama Bin Laden (Miro & Curtis, 2003). He further expounded that there are six or seven organizations with links to terrorist groups, but the six or seven are not engaged in terrorist activities. Mexico's immigration service denies the statements made by the immigration official.

According to Berry et al., (2003), the larger and more sophisticated drug trafficking groups in Mexico are less likely to knowingly cooperate with terrorist groups because of the risk to their narcotics empire. However, some of the smaller, less established criminal organizations may be more willing to engage in a relationship with terrorist organizations.

Central and South America are popular transit points because of their proximity to the U.S. and the ease with which migrants from other countries with terrorist ties can, legally or through bribery, obtain tourist visas (Terror-Linked Migrants, 2005). According to the March 2009 report titled *Operation Cazando Anguilas* or "hunting eels" (outsourced by the Department of Defense to a Latin American security consulting company), there is an alliance between terrorist organizations in Latin America, Mexican drug cartels, and "Muslim businessmen." Apparently, the Muslim businessmen are providing the drug cartels and terrorist organizations with money laundering services. Furthermore, the Muslim businessmen, drug cartels, and Central American gangs (i.e., MS-13 and M-18) are collaborating to smuggle Persons of Interest of Islamic Origin (PIIO) from terrorist organizations like al-Qaeda and Hezbollah into the U.S. (Kimery, 2009). The drug cartels and gangs are acting as the "street enforcers" for these operations and MS-13 and M-18 are providing the "transportation security." The PIIO's are "Muslims who are arriving in Panama and Central America via Venezuela and Colombia." The report describes them as "shooters" and "managers of some terrorist element."

Operation Cazando Anguilas reveals that approximately two years ago a peace treaty was "negotiated" between the gangs by "Muslim businessmen" in order to increase the "success of currency, drug, and human smuggling operations managed by these

Muslim Kingpins” (Kimery, 2009). This alliance provides radical Islamic supporters with access to MS-13 and M-18’s expansive and fully capable network throughout Central America, Mexico, and the U.S. According to Johnson and Muhlhausen (2005) and National Gang Intelligence Center (2009) MS-13 are experts at gaining illegal entry into the U.S. and will cross the U.S.-Mexico border with this as their sole intent.

In order to assist PIIO smuggling, special schools have been set up by the Muslim businessmen to train the PIIO’s to speak Spanish and learn the Hispanic culture. Conversely, the gang members who escort the PIIO’s are taught Arabic and indoctrinated into Islamic fundamentalism (Kimery, 2009). Furthermore, *Homeland Security Today* obtained classified intelligence that some gang members are receiving Arabic and military training from Hezbollah at farms in Honduras that are owned by wealthy Muslim businessmen.

Further South is the TBA, which consists of Argentina, Brazil, and Paraguay and serves as another shelter for organized crime and terrorist groups. The social structure in communities around the TBA like Ciudad del Este are ideal for Arabic-speaking terrorist groups. Approximately 90 percent of the Arab population in Ciudad del Este is of Lebanese origin. As a result, “extremists find the opportunity to assemble, form a cell with no risks of leaks, carry out their missions, and return with alibis backed up by many in the community” (Berry et al., 2003). According to Berry et al., (2003), in October 2001, Commandant Hugo Miranda, commander of Argentina’s National Border Guard stated that “conditions in the TBA favor the area’s role as a hotbed of terrorist cells known as sleeper cells.” He further elaborated stating that “people in this community have ties to fanatical religious groups, and they are in contact with the Middle Eastern countries.”

Al-Qaeda and Hezbollah are known to have used the TBA for fund raising, money laundering, and drug trafficking and many worry that al-Qaeda may be using the same network as that of Hezbollah to raise funds (Zambelis, 2005). According to Carter (2009), Hezbollah has also had a long presence in the TBA, whereby they are engaged in narcotics and human trafficking. Incidents of radical Islamist activity have been linked to Hezbollah in the TBA and are known to be ideologically and politically close to Iran

(United States, 2006). Iran, by the way, provides \$100 million dollars a year to Hezbollah according to a Treasury Department official (Vardi, 2006).

When it comes to smuggling across the U.S.-Mexico border, there seems to be an increasing reliance on the Mexican drug cartels that control the smuggling routes. In fact, Hezbollah relies on "the same criminal weapons smugglers, document traffickers and transportation experts as the drug cartels" according to Michael Braun, retired Assistant Administrator, Chief of Operations, U.S. Drug Enforcement Administration (Carter, 2009). According to Franco (2008), policy makers are concerned about human and narcotics smuggling rings being used by terrorists to enter the U.S. undetected. Perhaps policy makers should be concerned given that terrorists frequently engage in criminal activity like drug trafficking and human smuggling to finance their operations (Mincheva & Gurr, 2006). According to Shelley and Picarelli (2005), drug trafficking is the main source of income for organized criminal organizations and terrorists. The bottom line is that terrorist groups require funding to maintain their operations (Hutchinson & O'Malley, 2007).

According to Keefer (2006), drug trafficking and terrorism are linked in that terrorists use the transportation networks of drug smugglers and human smugglers to move their operatives. Thus, it is conceivable that as the U.S. continues to increase security that terrorists and human smugglers may become partners (Ordonez, 2008). In fact, it is not only possible, it has already occurred. For example, Mahmoud Youssef Kourani was able to travel to Mexico from Lebanon through what is known as the "Lebanon-Tijuana" pipeline. He bribed a Mexican consulate official in Beirut by paying \$3,000 to get a Mexican visa (Arrillaga & Rodriguez, 2005). This allowed him to travel from Lebanon to Mexico where he was able to connect with a human smuggling operation. Both Kourani and one other man were smuggled across the southwest border on February 4, 2001 in the trunk of a car. While in the U.S., Kourani was reportedly involved in some fund raising for Hezbollah and sent them around \$40,000 during his stay in the U.S. Kourani used bribery to obtain a visa, was smuggled into the U.S., and

engaged in criminal activity while in the U.S. in support of Hezbollah. It is clear from Kourani's past that he was engaging in criminal activity while in the U.S. in support of Hezbollah, a terrorist organization.

A second example involves Salim Boughader Mucharrafilie who is of Lebanese-Mexican origin and is also a well-known human smuggler. Boughader, just like Kourani, was also leveraging the "Lebanon-Tijuana" human smuggling pipeline. His formal occupation was that of a café owner in Tijuana, but he was also involved in the nefarious movement of Lebanese migrants into the U.S. This would not be an uncommon venture for terrorists who, according to O'Neil (2007), will engage in legal and illegal means to satisfy the need of human smuggling. It would seem that Boughader fits into this category.

Boughader's clientele reportedly told U.S. and Mexican officials that they paid several thousand dollars for fraudulent visas from the consulate office in Beirut, so they could make their way from Lebanon to Mexico and eventually into the U.S. (this is the same modus operandi used by Kourani). In fact, one of Boughader's clients worked for a Hezbollah-owned television network that glorified suicide bombers (United States, 2006a).

Up until December 2002, when Boughader was arrested, he had smuggled about 200 Lebanese, to include Hezbollah sympathizers, into the United States (Arrillaga & Rodriguez, 2005). According to Boughader, even if the officers at the border do stop you, the document checks being done at the border are poor (Terror-Linked Migrants, 2005).

While Boughader was a smuggler who facilitated the movement of Lebanese migrants and Kourani was smuggled, the methods used by both were very much the same. That is, they engaged in criminal activity (bribing government officials) to get to Mexico and worked with human smugglers (criminal organizations) to illegally enter the U.S. at which time they engaged in fund raising to support Hezbollah (a terrorist organization).

E. INFORMATION SHARING

One of the most frequently mentioned current or future factors in *preventing* the formation of a relationship between criminal and terrorist organizations in terms of human smuggling was strong communication and information (intelligence) sharing between federal, state, and local agencies and between units within an agency (e.g., homicide, robbery, gangs, and intelligence). “There has to be overlap between terrorism and human smuggling and we have to make those connections by bringing the people (law enforcement) together who are working in these areas” (Interview with senior law enforcement official, April 1, 2009).

There were four key areas related to information sharing that will be highlighted and discussed in detail. The act of information sharing, if improved upon, will have an immediate and substantive impact on the ability of homeland security experts to provide a collaborative, fully engaged, and knowledgeable work force with the capabilities of identifying and defeating criminal and terrorist organizations in terms of human smuggling.

1. Relationships

There was an overwhelming consensus that all of the federal, state, and local agencies work very well together. The level of communication and cooperation was seen by the majority of the senior officials as the best they have ever experienced. In fact, most of the agency heads communicate with one another on a first-name basis. Many of these successful relationships are based on the personnel that get selected. That is, you must pick people that are really good at what they do, but who can also work in an environment with someone who may view things differently. Furthermore, the information sharing works very well once the relationships are established. For example, if you know someone at another agency, and you have developed a level of trust, “you can get ten times more done than if you do not know anyone” (Interview with senior homeland security official, April 1, 2009).

One other factor that fostered close-working relationships was geography. In El Paso, Texas, the law enforcement community is so far away from the next major city

(approximately 4 hours) that they have to rely on one another out of necessity. It is out of this necessity that has grown a relationship of respect. “It is like a family, you have spats, but you work it out. All of the agencies know they need each other to survive” (Interview with senior law enforcement official, March 27, 2009). But the mere presence of a positive working relationship, both at the leadership and working level, does not necessarily mean that information sharing is occurring on a consistent basis (this point will be discussed in more detail).

2. Task Force and Working Groups

The majority of the agencies participate in some type of task force or working group, which enhances the information sharing between federal, state, and local agencies. Many of the agencies are part of their local Joint Terrorism Task Force (JTTF), fusion center, or High Intensity Drug Trafficking Area (HIDTA) group. Additionally, there are numerous working groups comprised of federal, state, and local agencies (including Army intelligence in one case), that were formed to meet local or regional demands (Interview with senior law enforcement official, April 1, 2009).

One of the many advantages of attending regular meetings and working together on task forces is that it creates information sharing efficiencies and fosters personal relationships. For example, one *local* law enforcement agency accommodates *federal* law enforcement personnel within their facility, which allows for on-the-spot screening of immigration related violations (Interview with senior law enforcement official, April 3, 2009).

One senior homeland security official mentioned that the long-term relationships developed through the task forces and working groups may have a down-side. For example, there was an officer assigned to a local task force for three years who was promoted and subsequently “pulled off” the task force. This unforeseen loss created quite a stir and an information vacuum. There were statements like, “what are we going to do now that this person is gone.” This is one example that “demonstrates the interdependence that can develop over time and may be unhealthy” (Interview with senior homeland security official, April 7, 2009).

3. Sharing Information

It was virtually unanimous that information sharing has gotten better since 9/11. One senior homeland security official offered their personal account.

Right after 9/11 it was the best I had ever seen and it was the only positive result from that event. People worked as hard as they possibly could; they worked together and it did not matter who got the credit for what, we just all had the common goal of going after the bad guys. (Interview with senior homeland security official, March 27, 2009)

Another post-9/11 example was shared relative to the operational and personnel expansion that took place amongst the JTTF's.

Once 9/11 happened the FBI went from 35 JTTF's to each FBI field office taking ownership of an individual JTTF. The concept behind the JTTF is that all of the people are housed in the same location and that way everybody is getting the information at the same time. (Interview with senior law enforcement official, April 10, 2009)

One senior law enforcement official responsible for running one of the JTTF's keeps their network of people working toward the common goal of information sharing by bringing them in on a monthly basis for a one hour meeting so the members can put a name to a face, introduce themselves, and discuss their agencies mission. Furthermore, they have Middle Eastern experts come in and do 45 minute mini-training sessions, which are invaluable to group members. The motto of this particular JTTF is "the more information we get out there the more information we will get back" (Interview with senior law enforcement official, April 10, 2009).

There was one major obstacle to information sharing that was mentioned and that was systems access. That is, not everyone has access to each others electronic information systems. This is primarily because the systems are not capable of communicating with one another. So, instead of designing a new system, modifying an old system, or formulating MOU's to establish systems access for external users, the users "bridge that gap by using people who work on task forces and at fusion centers. But, the systems still do not talk to one another" (Interview with senior homeland security official, April 1, 2009).

4. Reluctance to Share Information

While the information sharing seems to have improved since 9/11, several examples highlight areas where the information sharing process can be improved upon. There was general agreement that there will always be interagency rivalries that can “stymie things at times” (Interview with senior homeland security official, March 26, 2009). For example, there was a 2,000 pound marijuana load scheduled for a controlled delivery but the international port of entry did not want to turn over the “load” for fear that they would not get the statistic or credit for the seizure (Interview with senior homeland security official, March 26, 2009).

Another example comes from one of the local law enforcement agencies who stated “we have become like news agencies. There is a race to see who can break the news and get the information out first. It is like trying to get the scoop if you will” (Interview with senior law enforcement official, March 27, 2009).

According to one senior homeland security official, as time has gone by, and we are further away from 9/11 the eagerness and willingness to share information has gone by the wayside. It has gotten to the point where people do not share the information in a timely manner and they are not working together as much as they should (Interview with senior homeland security official, March 27, 2009). For example, local law enforcement feels that there is still reluctance by the FBI and DEA to share information with them (i.e., there is more information coming from the local police and going to the federal agencies rather than vice versa). The explanation for this guarded behavior is that “it is inherent in those organizations. For years, they have operated on a need to know basis, and they are having a hard time getting past that. They are really trying but they are still guarded” (Interview with senior law enforcement official, April 13, 2009).

This supports the statement by one of the senior law enforcement officials that “the U.S. Government has a reputation that is all take and no give in the law enforcement community.” However, the senior official went on to say that this “reputation” is not entirely true. “You just have to be on the short list of people that can be trusted with that information” (Interview with senior law enforcement official, April 1, 2009). It became

abundantly clear, especially after hearing statements like this, that as long as there is information sharing obstacles (e.g., technology, clearances, and classification of information) personal relationships will be the main driver of information sharing.

F. SUMMARY

The thought of criminal organizations cooperating with terrorists is a real possibility although the relationship may be short-lived. The driving force that may bring these two entities together would likely be financially based, but the end game for each entity would vary considerably.

When asked the following question, “what is your view on the possibility of a relationship between criminal and terrorist organizations?” 14 of the 15 senior officials provided an answer and 71 percent or 10 out of 14 believe that it is possible for a relationship to occur between a criminal and a terrorist organization or that it is currently occurring (see Figure 4). There were a variety of reasons as to why this may occur or is already occurring. Many view terrorist organizations as a criminal organization because they behave in much the same manner even though their end goals may be different. That is, criminal organizations are in the business of making money to sustain their lifestyle while terrorist organizations need to make money to push their political agenda. In the end they both need the money to continue their operations and both engage in illicit activities to secure funding. This is what Shelley (n.d.) describes as “methods not motives” in that they both engage in the same behavior but do so for different reasons.

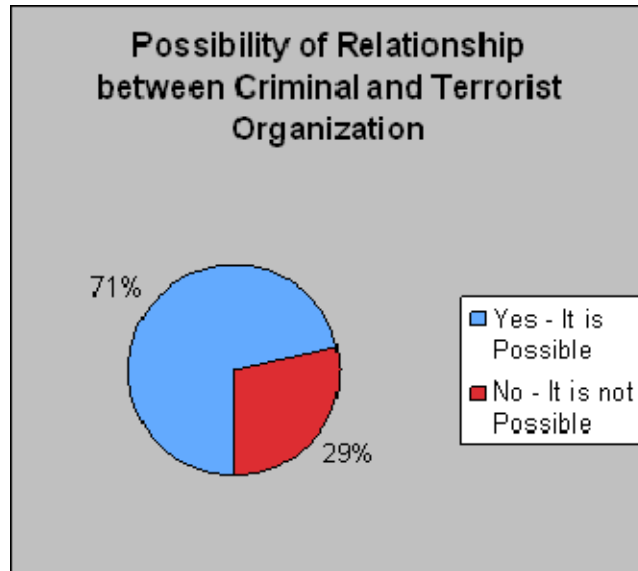


Figure 4. Relationship between Criminal and Terrorist Organization

The benefit to the criminal organizations of having a relationship with a terrorist organization is, according to one senior law enforcement official, because “the terrorists know how to move large amounts of money, because the groups we believe are affiliated with terrorists are all just moving money, so the primary benefit for the criminal organizations (drug trafficking organizations) is legitimizing their money” (Interview with senior law enforcement official, April 1, 2009). The benefit to the terrorist organizations of having a relationship with a criminal organization is access to the smuggling pipeline.

If someone (terrorist group) were to ask a human smuggling group to place a few people in the smuggling pipeline who are physically similar to the other people being smuggled (i.e., Hispanic looking) but in reality they are Arabs, no one is the wiser. So if they (terrorists) make an allegiance with these other organizations they are able to accomplish things without having the racial stereotype placed on them. (Interview with senior law enforcement official, April 1, 2009)

The terrorists know the cartels are powerful because they have a lot of money and they are ruthless. “The terrorists know if they pay the cartels money, they are going to get the job done, they are going to get the cell across” (Interview with senior law enforcement official, March 31, 2009). Furthermore, the terrorists get “access to the

people who have been doing this for years and they know how to get people and product into the U.S.” (Interview with senior homeland security official, March 27, 2009).

The remaining 29 percent or 4 out of 14 senior officials did not think a relationship would be possible between criminal and terrorist organizations (see Figure 4). The primary reason was that if they were to get caught their business (drug trafficking) would be severely impacted in a negative manner. “They would have so much heat on them if it got out into the intelligence community that the criminal organizations (drug trafficking organizations) were actively affiliating with the terrorists.” Furthermore, “the U.S. Government will not stand for it” (Interview with senior homeland security official, March 30, 2009). So, the threat of losing their livelihood to move one high-value person may not fit the risk-reward model they are using for their day-to-day business.

Another reason for not engaging in a relationship is that “human smuggling is a specialized area” and drug trafficking organizations “would move some *thing* on behalf of a terrorist organization rather than persons.” Furthermore, “people in drug trafficking like to feel a level of trust and control over the people working for them.” Consequently, “if you have a shady Middle Eastern type that wants to move things of a terrorist nature into the U.S. the drug movers might not feel that level of comfort with doing business with these folks” (Interview with senior homeland security official, April 7, 2009).

While 71 percent, or 10 out of 14, believe it is possible that a relationship between criminal and terrorist organizations could occur, finding evidence of this occurring was less likely. When asked “what would you think would be considered evidence of a relationship between criminal and terrorist organizations?” ten of the senior officials responded and of those, 50 percent (5 out of 10) stated that they do not think that drug trafficking organizations are supporting the terrorist organizations (see Figure 5).

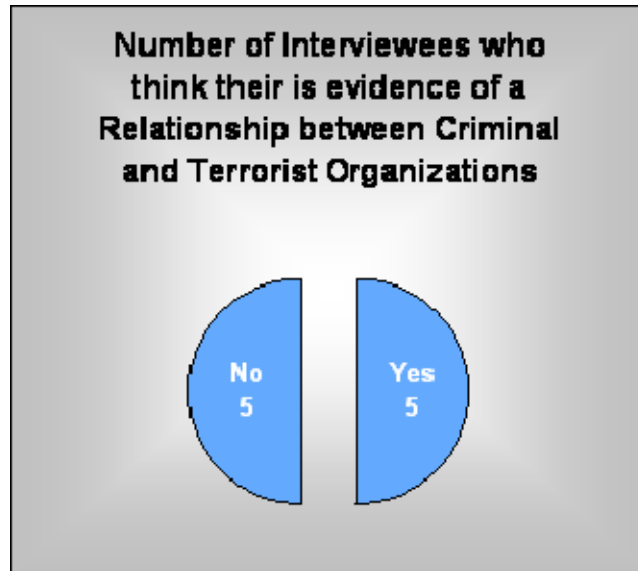


Figure 5. Evidence of a Relationship between Criminals and Terrorists

This is because they have not seen it, it has not been proven, or they just do not believe it will happen. If it was occurring, the belief is that law enforcement would discover the bodies being smuggled into the U.S. or law enforcement “would find individuals doing this.” Furthermore, “there has been no evidence of a big push of that kind (an alliance between criminal and terrorist organizations) through Mexico” (Interview with senior homeland security official, March 30, 2009). One senior homeland security official stated that, “it is a crocodile and an alligator; they do not live in the same water” referring to the terrorist and criminal organizations (Interview with senior homeland security official, March 25, 2009). The remaining 50 percent (5 out of 10) of senior officials could not point to concrete evidence of a relationship between criminal and terrorist organizations, but anecdotally they believe that the pieces of the puzzle are there waiting to be placed in the proper position for a relationship to occur.

The frightening thing is that not only if they have the financial support but if they have the smuggling capability that means they have the logistics and the supply chain globally to move whatever they want to move. It doesn't have to be dope. It's a business (Interview with senior homeland security official, March 25, 2009).

In order to run a successful business, you need lots of cash, especially if it is an illegitimate business.

The terrorists know, especially at the higher levels, that they need money to fund their activities but their primary motivation is terrorism not so much the money. The criminals, whether it is dope or human smuggling they want the money, they are just greedy. (Interview with senior law enforcement official, April 1, 2009)

Following the money to its origin was seen as a logical way to gather evidence on the criminal organizations. If law enforcement is able to trace where the money is moving to, they may also be able to establish what it is being used for; “to the Middle East (terrorism) or Mexico (drugs)” (Interview with senior law enforcement official, April 1, 2009).

When asked about the *possibility* of criminal and terrorist organizations working together to smuggle terrorist operatives into the U.S., it was unanimous among all 15 senior officials that it is *possible*. However, as identified earlier, 50 percent (5 out of 10) stated that there is no concrete evidence of a relationship between criminal and terrorist organizations (see Figure 6). Despite the lack of evidence, the *possibility* of a criminal and terrorist organization working together to smuggle terrorist operatives into the U.S. is viewed to be extremely high. However, one senior law enforcement official believes that “the human smuggling organizations are closer to coming together with the criminal organizations than they are with the terrorist organizations” (Interview with senior law enforcement official, April 10, 2009). This is because the criminal organizations and human smuggling organizations use the same routes and very similar methods.

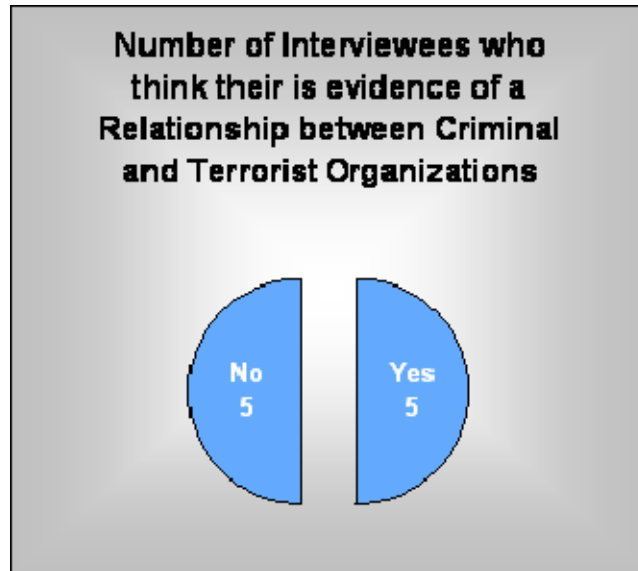


Figure 6. Possibility of Criminal and Terrorist Organization Working Together versus Evidence of a Relationship between Criminal and Terrorist Organizations

There are some senior officials who believe that the criminal organizations would smuggle a person (even if they knew it was a terrorist) into the U.S., if the price was right (Interview with senior homeland security officials, March 26, 2009; March 30, 2009; April 7, 2009). Conversely, others believe that the criminal organizations would not smuggle a person (if they knew it was a terrorist) for any amount of money (Interview with senior homeland security officials, March 30, 2009; April 1, 2009).

If they (criminal organization) thought it was just another person or human smuggling organization that wanted to get someone to the U.S. and they paid a premium then they probably would smuggle the person. If they knew it was a terrorist they would not do it. This would be a horrible business decision by the drug trafficking organizations. (Interview with senior homeland security official, April 1, 2009)

It is also believed that this would not occur because the risks to everyone involved are greater than the payoff. “The terrorists want people coming in as students and business owners with clean documents that are not going to be scrutinized” (Interview with senior homeland security official, March 25, 2009).

If they are coming from a country that is a state sponsor of terrorism they are going to be provided good documents or they can apply for asylum. The hottest place to get documents is Venezuela. The important people, high level terrorist operatives, will get into the country using legitimate documents, in particular Venezuelan documents. (Interview with senior homeland security official, March 27, 2009)

Therefore, if the terrorists or their operatives have legitimate “clean documents,” it would seem that they do not need the criminal or human smuggling organizations. However, as we have heard from senior homeland security officials, terrorists can obtain clean documents from Venezuela. These documents would be “legitimate” but would be obtained fraudulently through persons engaged in criminal activity and who are supporting terrorism.

We know that 71 percent (10 out of 14) of the senior officials believe that a relationship is *possible* between criminal and terrorist organizations. However, 50 percent (5 out of 10) do not believe this will occur because there is no evidence while the other 50 percent (5 out of 10) believe it will occur, but they too have no evidence of this occurring. The 50 percent that believes this will occur said that money would be the one factor that could link them together. When asked “what current/future factors do you believe would allow for the formation of a relationship between criminal and terrorist organizations in terms of human smuggling” the number one answer was money.

In terms of human smuggling, the money is the motivating factor. “I do not think they care who they are moving. If someone is going to pay a premium to move someone into the U.S., then I think they will do it” (Interview with senior homeland security official, April 7, 2009). A similar view was that “it has to be profitable on the Mexican side; for the drug trafficking organizations. They are only going to be involved in businesses that are lucrative and sustaining. The Mexican groups would view this as purely a business relationship” (Interview with senior law enforcement official, March 30, 2009).

Another view is that the human smugglers are going to have to select smuggling routes outside of their established corridors because law enforcement is forcing them away from their comfort zone. These underutilized and less established routes (e.g., small plane and small boats) were also discussed earlier.

In terms of Mexico; ships, large sea vessels, and aircraft are things they (human smugglers in Mexico) do not currently use the way the deep pockets of terrorist organizations already have access to. The terrorists have the ability to bring these other guys a different method of smuggling. (Interview with senior law enforcement official, April 1, 2009)

Because terrorist organizations are so secretive, it does not make sense that they would open up their doors to persons outside of their organization and engage in smuggling for hire. This would exponentially increase the likelihood of exposing their illicit activities and their operatives.

The views were varied when it came to the possibility of forming a *future* relationship between drug trafficking and terrorist organizations. For example, “their (drug trafficking organizations) goals are so different than the terrorists that I cannot think of anything that would bring them together” (Interview with senior law enforcement official, April 10, 2009). Furthermore, when it comes to working with terrorist organizations there may be good reasons why these criminal organizations would draw the line.

I think philosophically drug trafficking organizations realize that forming a partnership like that is very, very dangerous for them as well. The law enforcement scrutiny on them would be wound up considerably. They have their own business plans and forming a relationship with a terrorist organization is probably not smart from a business standpoint. From a cost-benefit analysis it may not make a lot of sense to form that kind of partnership. (Interview with senior law enforcement official, March 30, 2009)

An alternative view was described in the following way.

As long as the terrorist organization portrayed its criminal side it could deal with other criminal organizations. This is the point at which a terrorist organization could slide its members through but they would have to have had a long term criminal relationship to where it is seen as another criminal organization and not as a terrorist organization. (Interview with senior homeland security official, April 1, 2009)

One factor that may “force” a terrorist and criminal organization to engage in a partnership, although it will likely be short-term, is timing.

Let’s say there is an urgent operation that they (terrorists) want done and they need a hit squad now and need to get into the U.S. as soon as possible. As long as the drug trafficking organizations produce what the terrorists want, the terrorists will keep using them. (Interview with senior law enforcement official, March 31, 2009)

Because an urgent terrorist operation would happen so quickly, the chances of law enforcement missing the signs or indicators is greatly increased and the chances of interrupting it are greatly decreased. However, if the terrorists are patient in their planning, which has been their modus operandi, law enforcement may have a better chance at interrupting their operation. For example, “as they (terrorists) get closer to whatever their timeline is on when they are going to hit us, that would increase their need to build a stronger relationship with the drug trafficking organizations or other criminal organizations” (Interview with senior law enforcement official, March 27, 2009). So, if law enforcement identifies any activity between these entities it may be an indication that the planning stages of a terrorist event are being finalized. The way that this will be identified is through information sharing.

The ability to prevent terrorists from penetrating our borders depends on the cooperation of each and every border agency regardless of their affiliation (i.e., federal, state, or local). Homeland security leaders and law enforcement professionals must establish a personal relationship with partner agencies. This can be accomplished through regular meetings, work-groups, or common agency goals. Furthermore, agencies must learn what resources their partner agencies (federal, state, and local) can provide and in return provide this same reciprocity.

Homeland security and law enforcement leaders must reward participation in task forces and working groups as a way of recognizing their value and contribution to the information sharing process. The trust, relationships, and communication that is developed out of these task forces is invaluable when it comes to thwarting criminal and terrorist organizations attempting to cross our borders. Without these groups, law enforcement and homeland security officials are working with blinders. Conversely, by

expanding or enhancing these groups it will allow for a more complete, accurate, and timely operating picture of criminal and terrorist organizations.

We must not forget that the terrorist and criminal organizations leverage current technology and the internet to their advantage. They are able to get information “real time” on their illicit goods, as well as the whereabouts of any law enforcement personnel. Therefore, the development of any new computer system must meet current technology standards and have the capability of interconnecting with the most sophisticated or simplistic system. Until this can be accomplished, homeland security and law enforcement professionals will need to create opportunities to participate in monthly or quarterly meetings or mini-conferences. Unfortunately, homeland security will continue to be behind the information curve unless and until there is an automated and simple way to share real time information across jurisdictions.

In order to win the fight against terrorism, everyone responsible for collecting and disseminating homeland security and law enforcement information must recognize that the flow of information must be a two-way street. Furthermore, the federal government must provide the statutory and regulatory authority for designated homeland security and law enforcement agencies to share information freely and without reprisal. While this last step takes an act of congress, it is essential in tearing down the information sharing obstacles that agencies face due to legal or bureaucratic obstacles.

Quite often history can provide insight and support for why events taking place present day are occurring in a particular manner. For example, there are numerous individuals as well as groups who belong to criminal and terrorist organizations that engage in nefarious behaviors in support of terrorism (e.g., human smuggling). The application of this historical knowledge, obtained through case studies, may provide additional support for the hypothesis that there is a relationship between criminal and terrorist organizations in terms of human smuggling.

IV. HUMAN SMUGGLING FACILITATED BY CRIMINAL AND TERRORIST ORGANIZATIONS

Two detailed case examples were reviewed in order to show that a nexus exists between criminal and terrorist organizations in terms of human smuggling. By illustrating the details of these cases, the reader will be able to see the connection and relationship between terrorist organizations, human smuggling, and the use of human smuggling routes protected by criminal organizations. Because human smuggling is a criminal activity, this further establishes the link between criminal and terrorist organizations.

More specifically, these cases were chosen to a) reflect an example of a terrorist operative involved in criminal activity who was smuggled across the U.S.-Mexico border and b) to demonstrate an example of a terrorist sympathizer who engaged in criminal activity to smuggle other terrorist sympathizers and possibly terrorist operatives across the U.S.-Mexico border. These two cases point to the continued willingness and resolve by terrorists and terrorist organizations, even in a post-9/11 heightened security environment, to penetrate the U.S. border by any means necessary to support terrorism.

A. MAHMOUD YOUSSEF KOURANI

The first case involves a Hezbollah operative named Mahmoud Youssef Kourani who, according to the indictment dated November 19, 2003, was a member, fighter, recruiter and fund raiser for Hezbollah. Furthermore, the indictment states that Kourani received specialized training in radical Shiite fundamentalism, weaponry, spy craft, and counterintelligence in Lebanon and Iran. The indictment goes on to state that Kourani recruited people in Lebanon to become members of Hezbollah, and he oversaw their applications and detailed background checks. Kourani also held the position of fund raising solicitor for Hezbollah near Tyre, Lebanon. The indictment also identifies Kourani's brother, Hezbollah Chief of Military Security for Southern Lebanon, as a co-conspirator who oversaw Kourani's activities within the U.S. (United States of America, 2003).

Kourani was able to travel to Mexico from Lebanon through what is known as the “Lebanon-Tijuana” pipeline. He bribed a Mexican consulate official in Beirut by paying \$3,000 to get a Mexican visa (Arrillaga & Rodriguez, 2005). This allowed him to travel from Lebanon to Mexico where he was able to connect with a human smuggling operation. The indictment and available literature do not address whether or not the group that smuggled Kourani was aware of his terrorist affiliation and who he really was.

Both Kourani and one other man were smuggled across the southwest border on February 4, 2001 in the trunk of a car. Kourani employed a Shia Muslim doctrine of concealment known as “taqiyah” while in the U.S. He avoided mosques, Shiite religious rituals, and shaved his beard while he was in, what he considered the hostile territory of the U.S. (United States of America, 2003). While in the U.S., Kourani was reportedly involved in some fund raising for Hezbollah and sent them around \$40,000 during his stay in the U.S. Furthermore, Kourani was involved in a mortgage fraud scheme whereby he would buy burnt out homes in Detroit, make cosmetic repairs on the outside, leaving the inside untouched, and would collaborate with an appraiser to get an inflated home value. He would then get a criminal associate to buy the house, get a loan on the home, default on the loan, and share the illegal proceeds with Kourani. Kourani was eventually indicted in 2003 on charges of conspiring to provide material support to a terrorist organization (i.e., Hezbollah) and received four-and-one-half years in prison.

Kourani used bribery to obtain a visa, was smuggled into the U.S., engaged in criminal activity while in the U.S. in support of Hezbollah, and was the brother of the Hezbollah Chief of Military Security for Southern Lebanon. It is clear from Kourani’s past and his affiliations with Hezbollah in Lebanon and in the U.S. that he was engaging in criminal activity while in the U.S. in support of Hezbollah, a terrorist organization.

B. SALIM BOUGHADER MUCHARRAFILLE

The second case involves Salim Boughader Mucharrafille, who is of Lebanese-Mexican origin, and is also a well known human smuggler. Boughader, just like Kourani, was also leveraging the “Lebanon-Tijuana” human smuggling pipeline. His formal occupation was that of a café owner in Tijuana. Interestingly some of the people who

frequented his café worked at the U.S. consulate. Unbeknownst to his government clientele, the La Libanesa café owner was also involved in the nefarious movement of Lebanese migrants into the U.S. This would not be an uncommon venture for terrorists who, according to O’Neil (2007), will engage in legal and illegal means to satisfy the need of human smuggling. It would seem that Boughader fits into this category.

Boughader was organized when it came to record keeping. He had a notebook with the names, phone numbers, and date of arrival at his restaurant of his smuggling clients. In another notebook, he had the names and numbers of his restaurant customers and their favorite dishes (Terror-Linked Migrants, 2005).

Boughader’s clientele reportedly told U.S. and Mexican officials that they paid several thousand dollars for fraudulent visas from the consulate office in Beirut, so they could make their way from Lebanon to Mexico and eventually into the U.S. (this is the same modus operandi used by Kourani). In fact, one of Boughader’s clients worked for a Hezbollah-owned television network that glorified suicide bombers (United States, 2006a).

It is well known that Hezbollah has a significant network across the U.S. with a focus on areas with large Lebanese and Arab communities (e.g., Dearborn, MI and New York, NY) (Strindberg, 2003). Furthermore, Hezbollah is closely allied with Iran and serves as a surrogate for Iran (United States, 2006b). In fact, according to a Treasury Department official Iran provides \$100 million dollars a year to Hezbollah (Vardi, 2006).

Funding for Hezbollah is obtained through a variety of ways to include donations, tax fraud, and cigarette smuggling (Strindberg, 2003). In fact, in 2002 two Lebanese men were convicted of financing Hezbollah with \$2 million dollars in cigarette sales (United States, 2006b). In another case, Imad Hamadeh of Dearborn Heights, MI and Theodore Schenk of Miami Beach, FL were involved in cigarette smuggling that avoided over \$20 million dollars in taxes of which part was sent to Hezbollah. It is alleged that these two had ties with the higher level Hezbollah officials and charged a resistance tax in addition to the black market price (Vardi, 2006).

Up until December 2002, when Boughader was arrested, he had smuggled about 200 Lebanese, to include Hezbollah sympathizers, into the United States (Arrillaga & Rodriguez, 2005). Just to show how closely the human smuggling organizations work together, it was reported that other human smugglers continued to assist the Hezbollah (Lebanese) migrants with entering the U.S. from Tijuana, after Boughader had been arrested. According to Boughader, even if the officers at the border do stop you, the document checks being done at the border are poor (Terror-Linked Migrants, 2005).

This criminal activity of bribing government officials to obtain fraudulent documents, coupled with providing monetary support to a terrorist organization establishes the link between criminal and terrorist organizations in terms of human smuggling. While Boughader was a smuggler who facilitated the movement of Lebanese migrants and Kourani was smuggled, the methods used by both were very much the same. That is, they engaged in criminal activity (bribing government officials) to get to Mexico and worked with human smugglers (criminal organizations) to illegally enter the U.S. at which time they engaged in fund raising to support Hezbollah (a terrorist organization).

C. SUMMARY

In the case of both Kourani and Boughader, there was a direct connection with criminal activity (i.e., bribery) that took place in Beirut whereby both Kourani, and the clientele served by Boughader, paid Mexican consulate officials several thousand dollars for Mexican visas so they could travel from Lebanon to Mexico. Once in Mexico, both Kourani and clientele of Boughader leveraged human smuggling organizations like those of Boughader to illegally enter the U.S. This smuggling route, known as the “Lebanon-Tijuana” human smuggling pipeline, was used by Boughader to smuggle 200 or so Lebanese, to include Hezbollah sympathizers, into the U.S. Once in the U.S., Kourani was reportedly involved in fundraising activity for Hezbollah and sent them approximately \$40,000 over the course of his stay in the U.S. There appears to be a clear connection between criminal activity, human smuggling, and support of terrorist organizations through fundraising in these two examples. However, it is also important to review groups that engage in criminal and terrorist behaviors as this too provides support and evidence of the existence of relationship between criminal and terrorist organizations.

V. THE IRISH REPUBLICAN ARMY'S MOVEMENT BETWEEN CRIMINALITY AND TERRORISM

This case study involves the Irish Republican Army (IRA) and is intended to demonstrate their movement between a terrorist organization and one that also engages in criminal activity. Like the previous two case studies, the IRA engaged in both criminal activities as well as provided monetary support for terrorist activities. While the IRA violence and terrorist activities were directed at the British government, it appears that the Lebanese that were smuggled into the U.S. may have been engaged in fund raising to support terrorist activity but had no intention of carrying out terrorist attacks on U.S. soil (Strindberg, 2003; United States, 2006).

A. EVENTS THAT GAVE BIRTH TO THE IRA

For over eight centuries, Ireland has been at odds with the British beginning with a “land grab” that took place in Northern Ireland in 1171 by King Henry II of England who was appointed the King of Ireland (Hahn, 1989). It is historical events like this that have driven the long-term mistrust and anger that has been passed down through the generations and engrained in the Irish people. The abuse of the Irish people continued evidenced by the Penal Laws that were passed in 1691 prohibiting Irish Catholics from voting, owning land, holding public office, bearing arms, receiving an education, or entering a profession (O’Loughlin, n.d.). The Potato Famine in 1845 robbed the Irish people of much needed food, shipped to London, resulting in many deaths due to starvation (Gavin, 2000). This lengthy onslaught of abuse and mistreatment eventually boiled over leading to the 1916 uprising, albeit unsuccessful, by the Irish whereby a group of protestors proclaimed sovereignty over Ireland. Their protest failed to win back their sovereignty, but what developed out of this event became known as the Easter uprising, which gave birth to the infamous Irish Republican Army (IRA) (Hahn, 1989).

B. IRA TERRORISM AND VIOLENCE

Between 1916 and 1921, the IRA engaged in a campaign of violence and terrorism that was so overwhelming that a Treaty had to be established. This Treaty

became known as the 1921 Anglo-Irish Treaty, which partitioned 26 of the 32 counties of Ireland into the Republic of Ireland leaving the remaining six northern counties under British rule (White, 1997). Gerry Adams (1995) believes that partitioning was imposed as an alternative to war. However, one could argue that partitioning resulted in the IRA declaring war.

The IRA continued their violent campaign to retake the six northern counties and in 1969 military troops were introduced as a way to control the rioting in Northern Ireland (Hahn, 1989). In 1971, as a further method of attempted suppression, the Special Powers Act of 1922 was reinstated that allowed for detainment of suspect terrorists for up to 48 hours without charges (Hahn, 1989). The introduction of military troops and the reinstatement of internment only stoked the IRA terrorism machine. For example, in January 1972, known as Bloody Sunday, thousands of protestors voiced their disagreement over detainment (internment) policies. Unfortunately, fourteen protestors died (Della Porta, 1995) further fueling the anger and rage of the Irish people.

It is not surprising that the IRA terrorism continued when you consider how the Irish people were treated. They were discriminated against, excluded from participation in a civilized political process, and underwent excessive and unwarranted force by the military (Crenshaw, 1981). On Friday, July 21, 1972 (otherwise known as Bloody Friday), the IRA conducted 22 bombings, primarily focused on public areas (e.g., bus stations, shopping centers), killing 11 people. This was payback for the 14 protestors that were killed on “Bloody Sunday.” In August 1979, the IRA assassinated a British war hero by blowing up his fishing boat.

The IRA was beginning to gain more and more power but knew that if they continued down the road of terrorism and violence that the gains would not be as significant as the losses. Some of the IRA members recognized this. For example, in 1981 convicted IRA member Bobby Sands started a hunger strike in an attempt to force the British government to grant political prisoner status to imprisoned IRA members (Hahn, 1989). His attempt was unsuccessful, but this was an early indicator that the IRA was moving away from a strict “violence and terrorist” mentality and inching ever so slowly toward a more legitimate, albeit political, avenue for expressing themselves.

The IRA onslaught of terrorist activity continued, and in 1987, they bombed a war memorial ceremony killing 11 and wounding over 60 elderly. In August 1988, an unmarked military bus with British troops was bombed by the IRA, killing 8 soldiers (Hahn, 1989). Because of the IRA's relentless campaign of violence and terrorism, the British Secretary of State, in 1989, stated that the IRA could not be completely defeated. Furthermore, the possibility of benefits was on the table if the IRA should choose to end their violence (O'Kane, n.d.).

These benefits began to materialize by the mid 1990s in what is known as inclusion. The process of inclusion involved bringing the IRA terrorists into the political arena rather than try to protect everyone in society from their terrorist campaign (O'Kane, n.d.). This approach is similar to the adage, keep your friends close but keep your enemies closer. Despite this "political inclusion," the IRA moved away from their terrorist campaign, although not completely, and began to engage in criminal activity as a way to fund their organization. They still needed money to operate, and as a fledgling political organization, they were not making great strides at legitimate fund raising activities.

C. IRA CRIMINAL ACTIVITY

Irish law enforcement officials stated that all of the Irish terrorist organizations are engaged in some type of criminal activity to support their organizations financially (United States, 2000). For example, a theft of \$50 million dollars from a bank in Belfast is believed to be the work of the IRA. In the process of recovering the stolen money, a large money-laundering scheme was uncovered, which involved an effort by the IRA to buy a bank in Bulgaria in cooperation with an east European crime syndicate. This is evidence that the terrorists and organized criminals are linked, and that they both require money to operate, as well as an avenue to move that money (Hall, 2005).

Donal Patrick Moyna, a member of the IRA, was arrested carrying \$13,500 in counterfeit \$50 bills at La Guardia Airport. Apparently in Dublin there was a recent

seizure of \$2 million in counterfeit U.S. currency that was similar to those being used by Moyna. It turns out that the money was being used to fund travel for IRA members around the world (Lyall, 1989).

According to Irish law enforcement officials, Irish Republican terrorists are expert at international smuggling operations and have established relationships with other terrorist organizations and criminal organizations throughout the world (United State, 2000). Furthermore, the IRA controls the smuggling of untaxed tobacco products, untaxed liquor, and counterfeit consumer goods into Northern Ireland (United States, 2000).

The eighth report of the Independent Monitoring Commission states that the IRA is involved in reselling agricultural diesel fuel, smuggling tobacco, importing Chinese mobile phone chips to avoid tracing, and manipulating poker machines in British arcades (Burleigh, 2006). Furthermore, the IRA is reportedly spying on public officials and operating an organized crime network six months after it declared an end to its armed campaign. Additionally, diehard IRA breakaway republicans reportedly hijacked a taxi driver and planted a bomb in the vehicle not long after the IRA made a pledge to disarm. The bomb was defused by army technicians after the driver had abandoned the vehicle about a quarter-mile from the police station (the intended target) (DePasquale, 2005). According to Sinn Fein, the political wing of the IRA, they are no longer engaged in terrorism and the “intelligence gathering” is being used to aid the IRA’s political wing (Lavery, 2006). However, according to Lavery (2006) Prime Minister Tony Blare demanded that the IRA stop its criminal activities. He stated that the IRA has made significant progress, but that they are still involved in the lucrative trade of cigarettes and gasoline.

In March of 2009, Irish republican terrorist groups killed two British soldiers and a police officer. The president of Republican Sinn Fein, Ruairi O’Bradaigh, a 60-year veteran of the IRA said such attacks would be repeated in the near future (McDonald, 2009). O’Bradaigh warned, after Sinn Fein encouraged people to help the police, young Catholics in Northern Ireland that they would be in harms way and it was wrong to assist British forces (McDonald, 2009). O’Bradaigh could be referred to as “old school” in that

he reminisces about the British invasion of Ireland going back hundreds of years and his desire for a 32-county republic. In fact, he has said that as long as the British remain in part of Ireland, there will always be an IRA of some kind to stand up to them (McDonald, 2009). According to DePasquale (2005), the veterans of the IRA know no other way of life.

Terrorist groups like the IRA and al-Qaeda have been marginalized in numerous ways. Group members have come to disagree on the goals or philosophy of the group, there have been splinter groups formed, members have been captured or killed (Weinberg, 1991) and at times there has been such public outrage over the group's activities that they cannot attract new members (Hahn, 1989). But, DePasquale (2005) argues that it only takes a few rogue individuals to disrupt the transition from terrorism to normalcy. It would appear that the IRA has taken parallel paths on criminal activity and terrorist activity in that it is still engaging in both and has no desire to slow down or halt either activity.

D. SUMMARY

In the case of the IRA, they have been engaged in a multi-decade long terrorist campaign in an effort to restore Ireland to its original 32 counties. Primarily, the battle is over Northern Ireland and the six counties that are currently ruled by the British. The IRA has slowly moved from a terrorist organization to a political organization that is also involved in multiple criminal schemes in order to fund its activities. However, there is still an IRA terrorist element that simply refuses to go away quietly and has vowed to continue its terrorist attacks. The IRA's criminal activity involves tobacco smuggling, liquor smuggling, and counterfeit merchandise. This is not unlike the fund raising activities that have been used by Hezbollah in the U.S. While the IRA may not be involved in human smuggling, they have, and continue to this day, clearly vacillated between terrorist and criminal activity.

Earlier discussions revealed examples of individuals involved in criminal behavior in support of terrorism and involvement in human smuggling whereas the IRA provides an example of a group engaged in criminal and terrorist activity. Furthermore,

there was a discussion of how both the interview data obtained from homeland security and law enforcement professionals and the scholarly literature provide further support for the existence of a relationship between criminal and terrorist organizations in terms of human smuggling. This information becomes much more conclusive in terms of a nexus between criminal and terrorist organizations and human smuggling when it is combined and analyzed collectively.

VI. THE NEXUS BETWEEN CRIMINAL AND TERRORIST ORGANIZATIONS AND HUMAN SMUGGLING

This analytic review encompasses scholarly literature, data collected from 15 senior homeland security and law enforcement officials, as well as case studies. The purpose of this analysis was to determine the existence of a nexus between criminal and terrorist organizations in terms of human smuggling and what it means in terms of securing the southern border of the U.S. This is important to law makers, policy makers, and decision makers who deal with criminal organizations (i.e., drug trafficking organizations, human smuggling organizations, and criminal gangs) and terrorist organizations because of the overlap in illicit activity that exists between these entities. Furthermore, the threat, as well as the actual act of corruption that occurs on the U.S.-Mexico border, presents a vulnerability that may result in consequences equal to or worse than 9/11. Lastly, while criminal and terrorist organizations may be collaborating, or have the potential to collaborate, coupled with the fact that a U.S. official charged with protecting the U.S.-Mexico border may be the weak link in U.S. security, there are short and long-term solutions to minimize these threats in terms of information sharing that can be put in place with minimal effort.

Human smuggling is a lucrative business that is sanctioned by drug trafficking organizations, protected by criminal gangs, and propagated by human smuggling rings both large and small. The financial gain from human smuggling is the number one factor that brings these groups together. The routes used to smuggle people into the U.S run as far south as South America and are protected by criminal gangs like MS-13 who are working for or with the drug trafficking organizations and Muslim businessmen. This relationship exists because these groups share the same smuggling routes that are used to smuggle illegal drugs, weapons, and any other commodity that brings a worthwhile profit. This is supported by data obtained from senior officials who stated that human smuggling and drug trafficking organizations are similar in that they use the same established infrastructure, and they both rely on a trusted illicit network (sometimes the same one).

The exploitation of these smuggling routes by terrorists is a real possibility and is of concern to U.S. policy makers. For example, the case of Mahmoud Youssef Kourani and Salim Boughader Mucharrafile are clear examples of how corruption and bribery in Beirut, Lebanon can be used to secure visas for travel to Mexico with the goal of being smuggled into the U.S. The smuggling pipeline exists not only from Lebanon to Tijuana but also from South and Central America to Mexico and into the U.S.

Leveraging these established smuggling pipelines is not the only way to enter the U.S. undetected, and in fact may not be the preferred method, although it is number two in the most preferred methods identified by the senior officials who participated in the interviews. A total of nine different ways to enter the U.S were identified by these senior officials: illegal entry, legal entry, fraudulent documents, small boat, Hispanic appearance, asylum, corruption, small airplane, and tunnel. All of these methods require some type of cooperation with criminal or human smuggling organizations and in some cases with terrorist affiliated organizations. For example, entering the U.S. as a foreign student is just one way mentioned to enter the country legally. A person using legitimate documents with a clean record is another way to enter the U.S. legally. As we know, all 19 of the 9/11 hijackers entered the U.S. legally and were supported by and affiliated with al-Qaeda who is a known terrorist organization. When it comes to illegal, entry the case of Mahmoud Youssef Kourani comes to mind. He leveraged the Lebanon-Tijuana pipeline and was eventually smuggled into the U.S. in the trunk of a car. Another example of illegal entry, or the facilitation of illegal entry, is the case of Salim Boughader. He facilitated the illegal entry of over 200 Lebanese into the U.S., many of whom were Hezbollah sympathizers.

According to Wilson and Sullivan (2007), as well as the senior officials who were interviewed, criminal organizations and terrorist organizations are violent, use intimidation and coercion, are transnational, and are all about the money. Their main motivation is money but their end goal may be very different. For example, the terrorist and criminal organizations may both engage in drug smuggling, cigarette smuggling, and weapons smuggling for profit, but the criminal organizations are doing it for the power and to support their lifestyle, whereas the terrorist organizations main goal is to advance

their political and terrorist agenda with minimal sustenance (Townsend & Mili, 2008). The Irish Republican Army (IRA) is a case that illustrates this from the terrorist perspective. The IRA is a known terrorist organization that has vacillated between politics and criminal activity. They have engaged in cigarette smuggling, liquor smuggling, and counterfeit merchandise sales to support their political and terrorist activity with little focus on a lavish lifestyle.

While it may not be difficult to find law enforcement or government personnel who have direct experience with battling the IRA, it was difficult to find someone who had experience dealing directly with a terrorist organization among the 15 senior officials who were interviewed. What was clear among these senior officials was that criminal gangs were working with the drug trafficking organizations to protect and secure the supply routes from Mexico into the U.S. What was less clear was direct evidence from senior officials that terrorist and criminal organizations were working together to smuggle operatives into the U.S. However, 71 percent (10 out of 14) believe that it is *possible* for a relationship to occur between a criminal and terrorist organization or that it is already occurring. As mentioned previously, money is the motivating factor that would bring these two entities together. According to the senior officials, the benefits of a relationship to the criminal organization is that the terrorists know how to move large amounts of money and the benefit to the terrorists is that they get access to the smuggling pipeline.

While earning money may be the unifying factor in a relationship between a criminal and terrorist organization, spending money by these entities may be their best investment, if they truly want to harm the U.S. If the criminal or terrorist organizations spend just \$3,000 to \$5,000 to corrupt a U.S. border official to allow a vehicle to pass through the border without inspection, it would be a great return on their investment. There were over 200 public employees charged with helping move narcotics or illegal immigrants across the U.S.-Mexican border between 2004 and 2006. This trend is expected to continue given that the Border Patrol hired between six to eight thousand new agents between 2007 and 2008. This rate of hiring in such a short period of time cannot possibly allow for due diligence when it comes to background investigations according to

the senior officials and scholarly literature. To make matters worse, the drug trafficking organizations are recruiting young men and women, with no criminal history, to get hired by the Border Patrol in order to facilitate smuggling activity. This is effectively a 100 percent guarantee that whatever is being smuggled will make it into the U.S.

The reasons for corruption vary. There were 47 percent (7 out of 15) of the senior officials that said “money and greed” was the primary reason for succumbing to corruption while another 20 percent (3 out of 15) identified family relationships as their reason. Whatever the reason may be, the impact is potentially quite devastating. Out of all the past corruption cases, as well as the ones that have yet to occur, we will never truly know who or what was or will be allowed into the U.S. undetected. This is why corruption is such an attractive option to criminal and terrorist organizations.

Fifty percent (5 out of 10) of the senior officials do not believe that the drug trafficking organizations would engage in a relationship with a terrorist organization because they have not seen *evidence* of this occurring. That is, they believe that if it was occurring, we (law enforcement) would be aware of it. Furthermore, 29 percent (4 out of 10) of the senior officials did not think a relationship was *possible* between a criminal and a terrorist organization. The following reason was also given as to why a criminal and terrorist organization would not partner. Put simply, it would be a bad business decision for a criminal organization (i.e., drug trafficking, human smuggling, or criminal gang) to associate with terrorists because there would be so much scrutiny and pressure from international law enforcement and intelligence agencies that life as they know it would cease to exist (Interview with senior homeland security official, April 1, 2009). One senior official illustrated this point with the case of Enrique “Kiki” Camarena Salazar, an undercover DEA agent who was kidnapped and murdered in 1985 by a drug trafficking organization who discovered his identity. The senior official stated that as a result of this event “the border shut down, and when the border shuts down it hurts their (criminal organizations) business” (Interview with senior homeland security official, March 25, 2009). It would be expected that this type of response from the U.S. Government would be amplified, if evidence surfaced that criminal and terrorist organizations were actively collaborating.

Conversely, it was *unanimous* among senior officials that it was *possible* for a criminal and terrorist organization to work together to smuggle terrorist operatives into the U.S. However, as identified earlier, 50 percent (5 out of 10) stated that there is no concrete evidence of a relationship between criminal and terrorist organizations. Despite the lack of evidence, the *possibility* of a criminal and terrorist organization working together to smuggle terrorist operatives into the U.S. is viewed to be extremely high. Again, the primary draw that would bring them together is money. Some of the senior officials believe that criminal organizations would knowingly smuggle a terrorist, if the price was right, while others believe that criminal organizations would not knowingly smuggle a terrorist for any amount of money.

When it comes to current or future factors that would allow for the formation of a relationship between criminal and terrorist organizations in terms of human smuggling, the number one answer, according to the senior officials, was money. The motivating factor is money and any business venture engaged in by the criminal organizations (i.e., drug trafficking, criminal gangs, and human smuggling) must be profitable for them before they even consider it as a viable venture. One senior official suggested that a terrorist organization could deal with criminal organizations, as long as it continually showed its criminal side, and must have done so on a long-term basis to have established a trusted relationship, thereby masking the terrorism aspect of the organization. Therefore, the criminal organization would never know that they were actually dealing with a terrorist organization. Effectively, the terrorist organization would be putting up a fabricated criminal operation all the while having access to the smuggling pipelines, as well as protection provided by the criminal gangs, to move their operatives into the U.S.

If a long-term relationship failed to come to fruition, it is believed that a short-term relationship between a criminal organization and terrorist organization might occur with the explicit knowledge of both parties. For example, if the terrorist organization required an immediate need for operatives to get into the U.S. to conduct an operation, and the drug trafficking organizations could make this happen, it is believed that the two parties would temporarily cooperate in order to achieve their goal.

As far as current or future factors that would prevent the formation of a relationship between criminal and terrorist organizations in terms of human smuggling, the number one answer, according to senior officials, was strong communication and information sharing between federal, state, and local agencies. While all ten of the agencies represented in the data sample reportedly have a level of communication and cooperation that is unprecedented, it is apparent that relationships are what make the information sharing wheel turn. Knowing that you can pick up the phone and get an immediate and straight forward response from a partner agency is reportedly based on years of working together and a high level of trust.

It was apparent that crisis situations like 9/11 have actually enhanced the information sharing process. Everyone that was interviewed stated that the information sharing has improved since 9/11, but some see the information sharing pendulum swinging back toward pre-9/11 levels. The task force and working groups are a great venue to establish relationships and foster information sharing, but each agency has to generate statistics in order to justify their programs and their efforts. This is evidenced by the fact that there is some reluctance to share information with other entities, as they may get the credit for breaking a case, apprehending a suspect, or seizing a narcotics load based on the information you shared with them. According to one senior official, the further we get from 9/11 there is a lack of eagerness and willingness to share information.

It is almost as if another terrorist event or significant disaster like Hurricane Katrina needs to occur before information sharing can be taken to the next level. The necessity to share information is before an event occurs at our Nation's border or on our soil. For example, the 9/11 report stated that the CIA had valuable information about some of the 9/11 attackers but did not share this with the FBI because they said they needed approval from the Justice Department. The report went on to state that prior to 9/11, intelligence collection and dissemination was closely guarded and frequently protected due to turf wars between federal agencies (National Commission, 2004). It would appear that we may be headed back to a pre-9/11 mentality according to our senior officials. Despite some needed improvements in the information sharing process, the senior homeland security and law enforcement professionals did express several ways to disrupt human smuggling efforts by criminal and terrorist organizations.

VII. HOW TO DISRUPT CRIMINAL AND TERRORIST ORGANIZATIONS FROM HUMAN SMUGGLING

All 15 senior officials were asked the following question, “what current/future factors do you believe would prevent the formation of a relationship between criminal and terrorist organizations in terms of human smuggling?” The number one answer was strong communication and information sharing between federal, state, and local agencies. There were several other answers provided by senior officials that warrant further discussion.

One of the ways that the U.S. can disrupt criminal organizations is to seek help from the Mexican government. According to one senior law enforcement official, they have “shown a willingness to extradite people to the U.S.” (Interview with senior law enforcement official, April 3, 2009). Additionally, the U.S. has “shown a willingness to give them (the Mexican government) aid (e.g., intelligence, advisors, or money)” to stop the illegal flow of drugs, human smuggling, and whatever else may be smuggled from Mexico into the U.S. (Interview with senior law enforcement official, April 3, 2009). The bottom line, according to one senior law enforcement official, is that “we have to make them successful in Mexico; I think it is critical to the security of this country” (Interview with senior law enforcement official, April 3, 2009).

Tightening up the borders is another way to deter criminal and terrorist organizations from engaging in a relationship. For example, the border fence that has been under construction, and the center of much controversy, seems to have had a positive impact on deterring drug and human traffickers. “The wall/fence that has been built across the entire southern border of California has made a huge difference. The days of just shooting across the border in a jeep or an SUV for a quick hit are long gone” (Interview with senior law enforcement official, March 30, 2009). One senior homeland security official had this to say about shifting resources to meet the emerging threats.

The idea is not to jump from area-to-area but to secure all of the areas. We have to keep up with them and not abandon the previously thwarted smuggling routes; we cannot just shift the same resources away from one area to where the new problem is. (Interview with senior homeland security official, April 7, 2009)

In the end, even after working with the Mexican government and tightening up the U.S. border with more agents and a fence, certain criminal organizations may be more difficult to penetrate according to one senior homeland security official. For example, “the drug groups roll their phones over every two weeks, which makes it difficult to monitor via electronic means” (Interview with senior homeland security official, March 26, 2009). This is critical because electronic surveillance is also a method that allows the U.S. to “get to the upper tiers of a criminal organization and focus on a long-term approach to eliminate the entire criminal organization” (Interview with senior homeland security official, March 26, 2009). We must “make sure that the criminal organizations know that the U.S. will put all resources on terrorist organizations (e.g., electronic surveillance, cooperation with the Mexican government, and cooperation with Mexican law enforcement); this will deter the criminal organizations from working with the terrorist organizations” (Interview with senior homeland security official, April 7, 2009).

The importance of working with the Mexican government and tightening up the U.S. borders is certainly part of the overall approach to thwarting the efforts by criminal and terrorist organizations intent on human smuggling. However it is also important to understand whether or not there is in fact a definitive relationship between these entities, and if so, how can homeland security and law enforcement personnel disrupt this relationship and prevent the next terrorist from being smuggled into the U.S.

VIII. CONCLUSION

The purpose of this thesis is to expand on the literature that has been written on the possibility and impact of a relationship forming between criminal and terrorist organizations in terms of human smuggling. Additionally, this relationship may be impacted by criminal organizations who attempt to influence or corrupt border agents along the U.S-Mexico border. Furthermore, criminal gangs like MS-13 and M-18 may hire themselves out to smuggle terrorist operatives into the U.S., which requires some type of relationship between criminal and terrorist organizations.

This thesis seeks to answer whether or not there is a relationship between criminal and terrorist organizations in terms of human smuggling. More specifically, will criminal and terrorist organizations cooperate to smuggle a terrorist operative across the U.S.-Mexico border? If not, is there a *possibility* of a relationship between these two entities? Furthermore, how can homeland security and law enforcement personnel improve the information sharing process to prevent a criminal and terrorist organization from smuggling a terrorist operative across the U.S.-Mexico border? Lastly, in answering these questions and because corruption and criminal gangs (i.e., MS-13 and M-18) frequently become enmeshed in these relationships, they too will be discussed as partners in the relationship between criminal and terrorist organizations.

According to 71 percent (10 out of 14) of the senior officials interviewed for this study, it is possible for a relationship to occur, or it is already occurring, between a criminal and terrorist organization. Furthermore, 100 percent (15 out of 15) of the senior officials believe it is *possible* that a criminal and terrorist organization could work together to smuggle terrorist operatives into the U.S. The most recent evidence of a relationship between criminal and terrorist organizations in terms of human smuggling is provided by Kimery (2009), who reports that there is an alliance between terrorist organizations in Latin America, the Mexican drug cartels, and Muslim businessmen. These groups are reportedly collaborating with MS-13 and M-18 to smuggle Persons of Interest of Islamic Origin (PIIO) from terrorist groups like al-Qaeda and Hezbollah into the U.S. This would make sense due to the fact that the human smuggling routes between

the U.S. and Mexico will likely be exploited by terrorist groups like al-Qaeda and Hezbollah, who have taken refuge in the TBA of South America (Berry et al., 2003; Davidson II, 2005; Nuñez-Neto, Siskin, & Viña, 2005). This relationship is further evidenced by the fact that MS-13 and M-18 are involved in human smuggling and are working with organized criminal organizations in South America (Kane, 2006; Franco, 2008).

It is difficult to predict whether the relationship between criminal and terrorist organizations will be a one-time occurrence or more long-term. For example, in the case of Mahmoud Youssef Kourani and Salim Boughader Mucharrafille, it was clearly a long-term relationship resulting in fund-raising for Hezbollah and the smuggling of hundreds of Lebanese across the U.S.-Mexico border, respectively (Arrillaga & Rodriguez, 2005). These two cases alone demonstrate the cooperation and relationship that occurs between criminal and terrorist organizations, and their ability to obtain fraudulent travel documents through bribery in order to get terrorists or terrorist sympathizers into the U.S. through the use of human smuggling.

Through international cooperative efforts, the infiltration and disruption of transnational criminal gangs like MS-13 and M-18 may be the knock-out punch to any consideration they may give to current or future cooperation between criminal and terrorist organizations. Furthermore, the U.S. and Mexico must continue to tighten up the U.S.-Mexico border by ensuring that there are a sufficient number of border agents to absorb the ebb and flow of illegal migrants, ensure that the border wall is completed and maintained, and ensure that when a hole is plugged and a gap is filled, in terms of border security, that it remains that way indefinitely. The idea is that there would always be a concern that anyone who is provided protection by criminal gangs like MS-13 and M-18 will be subject to being discovered and apprehended by law enforcement.

Another devastating result of the relationship between criminal and terrorist organizations is the fact that they only need to spend approximately \$3,000 to \$5,000 to persuade a border official to allow a vehicle to pass through the border without being inspected. The rate of corruption has increased on the southwest border (Becker, 2008; Vartabedian, Serrano, & Marosi, 2006) and as more agents are added the Mexican drug

cartels are becoming more aggressive in their corruption efforts (Campo-Flores et al., 2005; Becker, 2008). Furthermore, drug trafficking organizations are recruiting young men and women to join the Border Patrol to facilitate human smuggling activity and given the aggressive hiring efforts by DHS (six to eight thousand new agents between 2007 and 2008) the opportunity for passing a background investigation with no derogatory information is increased (Interview with senior homeland security official, March 25, 2009; March 30, 2009).

In order to prevent this from occurring, there must be regular, as well as unannounced, financial audits of personnel to determine if there is any unusual monetary activity. Furthermore, agencies must enhance their border corruption task force activities so that officers are deterred from this type behavior or as a worst case scenario caught before they can follow through with their efforts. Monitoring any unusual activity related to money, family, and promiscuity may provide early indicators that an officer is involved in behaviors that may have national security implications.

Improvement in the information sharing process may be the single best way to detect the relationship between criminal and terrorist organizations and prevent them from smuggling a terrorist operative into the U.S. Information sharing works best once relationships are established and you have developed a level of trust (Christenson, 2007; Interview with senior homeland security official, April 1, 2007). One example of information sharing that may expose the relationship between criminal and terrorist organizations is illustrated by a cooperative effort between a county Sheriff and Immigration and Customs Enforcement (ICE). The sheriff provides extra space in the jail so that ICE can screen incoming offenders for immigration related violations, which may lead to the discovery of affiliations with criminal or terrorist organizations (Interview with senior law enforcement official, April 3, 2009).

In the end, without trust, cooperation, and information sharing between foreign, federal, state, local, and tribal entities none of the above mentioned actions will come to fruition. The ability to freely share sensitive and timely information is critical to disrupting criminal and terrorist organizations. Furthermore, the information sharing

systems must be compatible, secure, and easy to use. These systems will not replace personal relationships but will serve to enhance personal, inter and intra agency relationships, trust, and cooperation.

A. STRENGTHS AND LIMITATIONS

Having first hand accounts from senior officials who have worked on the U.S.-Mexico border for an average of 17.1 years proved to be invaluable in regards to answering the main questions of this thesis. Furthermore, the serendipitous introduction of information sharing as a way to determine the existence of a relationship between criminal and terrorist organizations was invaluable.

The strengths of this research rest on the knowledge possessed by the senior officials that were interviewed for this thesis. For example, senior officials were able to identify nine different ways that would most likely be used by a terrorist to gain undetected entry into the U.S. This one element alone provides policy and decision makers with information that can be used immediately towards an enhanced border strategy or special operations to circumvent these methods of entry. Furthermore, knowing that human smuggling organizations are cooperating with criminal gangs and drug trafficking organizations is significant in that front-line personnel can probe the people that they apprehend for affiliations with these entities possibly uncovering evidence of ties with terrorist organizations.

Also, the risk associated with corruption is significant for national security and knowing that money, family ties, and promiscuity are the primary reasons for corrupt behavior provides managers and leaders with known vulnerabilities that they can begin to address immediately. Furthermore, it became clear that Central and South America are safe havens for terrorist groups and are known for areas that supply fraudulent documents for entry into the U.S. Travel from these countries should serve as one of the indicators to border officials to take a closer look at the person's travel documents, travel history, and reason for travel to ensure that the person has no nefarious intent. Lastly, the information gleaned from the literature review and three case examples corroborated the information

obtained from the interviews. That is, there does appear to be a relationship between criminal and terrorist organizations in terms of human smuggling.

While the data obtained from senior law enforcement officials was valuable, it does not come without limitations. The senior officials were told that the interviews would be conducted telephonically and they would be no longer than one-hour in duration. By conducting the interviews over the telephone, the researcher was not able to see the body language, facial expression, or mood of the person being interviewed. These nonverbal signs may have provided further insight into the person's reaction to the interview questions. For example, if the person crossed their arms or was shaking their head one way or the other these could be indicators of a defensive or uncomfortable posture and affirmation of the question being asked, respectively. The length of the interview allowed for a limited amount of time for discussion on each one of the questions. That is, there was a limited amount of time allotted for probing deeper into a person's response that may have provided further details or insight into a particular question. Also, the person being interviewed may have felt rushed by the time constraints thereby providing less thorough answers.

Because the senior officials who were interviewed were all either homeland security or law enforcement officials, there may have been more subjectivity involved in answering the interview questions. That is, people in the law enforcement and homeland security profession are very passionate about their work, and anecdotally believe that terrorists are trying to enter the U.S. undetected, even though there may not be hard evidence. Furthermore, many of the senior officials interviewed had been exposed to information that is not generally available to the public, which may have tainted their answers in favor of the research question.

There were approximately 13 questions that each senior official was asked to respond to. The fact that there was a set number and type of questions that were aimed at answering the questions being asked by this thesis limits the scope of the person's responses and begins to shape how they answer the interview questions. That is, a predefined set of questions gets at a narrow band of information, whereas an open interview allows for a more free-flowing conversation with no parameters that limit the

amount and type of information discussed. Because the information being discussed was potentially revealing in terms of how terrorists may gain entry to the U.S., and consequently revealing of vulnerabilities that may exist with certain agencies charged with homeland security and border protection, there is a risk that the answers provided were given in a manner that would not unduly reveal criticisms of any one agency.

A lot of the senior officials interviewed have a tremendous amount of law enforcement and homeland security activity and responsibility in their current positions that contributes to a hectic and fast paced daily schedule. This factor, along with the fact that the interview was not in person, may have contributed to an unintentional diminished attention to the interview because of distractions from their normal every day duties. Conversely, by volunteering to participate in this research project there may have been an unintentional increased motivation to answer the questions in a manner that was more favorable towards the overall research project.

From an international perspective, it would have been useful to interview government and law enforcement officials in Mexico, Central America, and South America. Having this enhanced perspective broadens the scope and view of the relationship between criminal and terrorist organizations in terms of human smuggling and may provide insight into how policy and decision makers can detect or disrupt these relationships. Furthermore, having access to the original case files on criminal, human smuggling, and terrorist cases may have provided further insight into how these entities are linked.

B. AREAS FOR FUTURE STUDY

This research was undertaken to determine if there was a relationship between criminal and terrorist organizations in terms of human smuggling. An expansion on this question may be how to disrupt these entities once they are engaged in a relationship. Also, how can the U.S. strengthen the asylum laws to prevent what I refer to as *legalized human smuggling*? Furthermore, how can we detect travelers who have been fraudulently provided with genuine visas (i.e., they are not entitled to them)? Lastly, how can we better screen foreign students who are entering the U.S. with a clean record but are being

sent to the U.S. for the purpose of nefarious activities? All of these areas are worthy of study and will hopefully build upon the foundation of research that has already been accomplished.

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